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THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, I wish to bring to your notice that all the men who have been arrested have been produced before the court. They have been prosecuted. The case is *sub judice* now.”

MR. SPEAKER :—“ The case is *sub judice*, and there ends the matter.”

THE HON. SRI C. RAJAGOPALACHARI :—“ I shall give you particulars, if you want. The men were charge-sheeted and were produced before the Sub-Magistrate, Badagara, on the 20th July. The charge-sheets are under sections 143 and 448 of the Indian Penal Code. The case has been posted to the 24th July. The arrested persons have been released on bail.”

MR. SPEAKER :—“ I must tell the Hon. the Chief Minister and the House that he cannot answer the question. It is *sub judice*. When it is *sub judice*, I should not allow any discussion. We must follow certain rules here.”

(2) SITUATION CREATED BY THE OUTBREAK OF CHOLERA.

SRI K. T. KOSALRAM :—“ Sir, yesterday I gave notice of an adjournment motion to discuss the situation created by the outbreak of cholera. I want to know when that motion will be taken up.”

MR. SPEAKER :—“ That adjournment motion is clearly out of order. I have already said so to the hon. Member in my Chamber. How are the Government responsible for the outbreak of cholera? ” (Laughter.)

V.—GOVERNMENT BILL.

THE ANDHRA STATE BILL, 1953—cont.

MR. SPEAKER :—“ We are now on the Seventh Schedule.”

SRI T. VISWANATHAM :—“ May I suggest, Sir, that we first take up clause 46? After this is disposed of, and if the Government should accept the suggestion we make through a resolution, the matter will be simplified.”

MR. SPEAKER :—“ We shall then take up clause 46 now. Hon. Members will move their amendments now.”

Clause 46.

The following amendments were moved and duly seconded :—

SRI M. KALYANASUNDARAM—

111 “ This House recommends to the Parliament of India that sub-clause (2) of clause 46 of the Andhra State Bill, 1953, be amended to provide for any dispute relating to or arising out of such apportionment being referred to the Supreme Court of India.”

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SRI K. KOTI REDDI—

112 “ This House resolves that for clause 46, the following be substituted :—

‘ 46. Apportionment of assets and liabilities.—(1) Subject to the other provisions of this Part, the assets and liabilities of the State of Madras immediately before the appointed day, shall be apportioned between that State and the States of Andhra and Mysore in accordance with the decision of the Financial Commission appointed under sub-section (3) and shall accordingly be accounted for.

(2) Any dispute arising out of such apportionment shall be referred to the President whose decision shall be final.

(3) Before the appointed day the President shall appoint a Financial Commission consisting of three members one of whom shall be a Judge of the Supreme Court who shall be the Chairman of the Commission.

(4) Where the valuation of assets is necessary for the purpose of apportionment, the Financial Commission shall determine the same in accordance with their market value on the appointed day.

(5) Without prejudice to the above and pending the apportionment under sub-section (1) the assets and liabilities of the State of Madras immediately before the appointed day be shared between the States of Madras, Andhra and Mysore in accordance with the provisions contained in the Seventh Schedule.’ ”

SRI T. PRAKASAM—

113 “ This House recommends that provision be made in the Bill to delete the words from ‘ and Mysore . . . Seventh Schedule ’ in sub-clause (1) of clause 46, substitute in its place the words ‘ in accordance with the recommendations of an expert committee with a Judge of the Supreme Court of India as one of its members and that pending the decision of the said Committee a sum of Rs. 10 crores to be credited to the account of the Andhra State Government for ways and means expenditure ’ and to delete sub-clause (2) of clause 46.”

SRI T. VISWANATHAM—

114 “ This House recommends the deletion of clause 46 and the insertion of a new clause in its place, providing for the apportionment of the assets and liabilities dealt with in the Seventh Schedule, as also of the current revenues and expenditure, between the States affected by

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this Act, by an order of the President, on the recommendation of a neutral Commission of Experts, presided over by a Judge of the Supreme Court."

OR

Alternatively, if the above resolution is not accepted,

" This House recommends to substitute the following in place of the existing sub-clause (2) of clause 46 :—

' Any dispute relating to or arising out of such apportionment shall be referred to the Supreme Court,' "

SRI PRAGADA KOTAIAH—

115 *" In regard to the apportionment of assets and liabilities between the States of Andhra, Madras and Mysore, this House recommends to the Union Government the appointment of a Seven-man Committee, consisting of two representatives from each of the States of Andhra and Madras, one from Mysore and two by the Union Government and this Committee to be vested with the necessary powers and jurisdiction to alter the provisions of the Seventh Schedule to this Bill and to finally allocate the assets and liabilities as between the said three States."*

SRI T. N. VENKATASUBBA REDDI—

116 *For the existing clause, substitute the following :—*

" 46. Subject to the other provisions of this Part, the assets and liabilities of the State of Madras immediately before the appointed day, shall be apportioned between that State and the States of Andhra and Mysore by an expert Financial Commission."

SRI D. DASARATHA RAMAIAH—

117 (i) *For the words ' in accordance with the provisions contained in the Seventh Schedule ' occurring in sub-clause (1), substitute the following :—*

" in accordance with the decision of an expert Finance Commission (to be appointed by the Union Government after the appointed day), consisting of a Judge of the Supreme Court, Auditor-General of India and three non-official experts from each of the Madras, Andhra and Mysore States for the purpose of taking stock of all the existing assets and liabilities of the composite Madras State, and then to divide the same between the Residuary Madras, Andhra and Mysore States on an equitable, just and fair basis, taking into account the needs and reserves of each State. Meanwhile the Accountant-General-Designate of the Andhra State is to be given whatever assets that he may consider necessary for the Andhra State by the Residuary State of

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Madras on an ad hoc basis for the purpose of carrying on the administration of the new State for a temporary period of six months from 1st October 1953, subject to final adjustments after the recommendations of the Finance Commission are implemented. Meanwhile the Union Government should advance the necessary funds, not exceeding Rs. 5 crores, to the Andhra State towards ways and means for the purpose of carrying on the administration from 1st October 1953."

- (ii) In sub-clause (2), after the word "apportionment", insert the words "by the said expert body".

SRI S. RADHAKRISHNAN—

- 118 For the words "the provisions contained in the Seventh Schedule", substitute the words "the proportions of revenue income and expenditure of each State."

SRI VAVILALA GOPALAKRISHNAIAH—

- 119 For existing sub-clause (1), substitute the following :—

"Subject to the other provisions of this Part the assets and liabilities of the State of Madras immediately before the appointed day shall be apportioned by a Committee consisting of a financial expert, a Supreme Court Judge and one retired Accountant-General, subject to the approval of the Andhra State."

SRI VAVILALA GOPALAKRISHNAIAH—

- 120 For existing sub-clause (2), substitute the following :—

"Any dispute relating to or arising out of, such apportionment, shall be referred by the President to a Tribunal presided over by the Chief Justice of the Supreme Court and consisting of a Financial Expert and a retired Accountant-General, whose decision will be final."

SRI T. NAGI REDDI—

- 126 "This Assembly is of the opinion that all types of assets and liabilities, unissued stores, articles, goods and various funds including depreciation reserve funds be divided between Madras, Andhra and Mysore States in proportion to the population of Madras and Andhra States and of the territory transferred to Mysore State."

9-40
a.w.

SRI K. GOVINDA RAO—

- 275 "This Assembly is of the opinion that—

all types of assets and liabilities of the present Madras State be divided between Andhra, Mysore and Residuary Madras States on the basis of population."

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SRI K. RAJAGOPALA RAO—

279 “ *This Assembly of Madras resolves to request the Government of India to incorporate the following item in the Andhra State Bill, 1953 :—*

Assets and liabilities.—To divide all assets and liabilities in the proportion of the populations of the new States.”

SRI B. SANKARAI AH—

184 *In the Seventh Schedule, add the following at the beginning :—*

“ The assets and liabilities be distributed in proportion to the population.”

SRI G. YELLAMANDA REDDI—

190 *For the words “ total indents for stores . . . in the City of Madras ”, substitute the word “ population ”.*

* SRI T. VISWANATHAM :—“ Sir, before I begin, may I just ask the Hon. the Chief Minister or the Leader of the House one thing—I dare say he has gone through the wording of my amendment and also the amendments moved by several of my Colleagues here. There is a consensus of opinion on this side that instead of going into the various details of questions raised in the Seventh Schedule, the matter might be referred to a Commission. Now, the question as to who should be the members of the Commission is not such an important matter. It should consist of experts. experts in understanding partition work, and somebody who has judicial training to preside over. If the Hon. the Chief Minister is willing to accept this suggestion, I need not take time to advance arguments in favour of the proposal. If he is not willing, of course, we will have to go through the whole process. Instead of going through clause by clause of the Seventh Schedule and advancing various reasons why a Commission is necessary and putting forth various points of view which cannot really be decided on the floor of the House, I submit that the matter may be referred to a Commission. In fact, we felt this morning that this Bill itself could have been referred in the first instance to a Select Committee so that we could have narrowed down the differences instead of doing committee work here, and sometimes letting ourselves go. Unfortunately, the idea did not occur at the proper time. But I believe that much goodwill and temper will now be saved if the matter is referred to an impartial Expert Commission. There are differences in the methods of valuing the assets and liabilities and apportioning them. And we have no material before us. (At this stage, Deputy Speaker occupied the Chair.) Let me, in the first instance, submit to the Hon. the Chief Minister, in order to convince him, that a Commission is necessary, if not for any other reason, at least for want of material. A Schedule has been prepared, but the materials upon which the Schedule has got to be worked out are not before this House. I had sent in interpellations requesting for information before the debate began. Except the reply from the Hon. the

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Finance Minister with regard to certain cash balances in the various treasuries, I got no answer from any other Department. On the other hand I got replies saying, that the Government would not be in a position to supply any information. I shall, in order to substantiate what I said, read the reply which I got from the Additional Secretary to Government. I sent in my queries somewhere on the 16th June, sent also interpellations in the regular course, and also addressed demi-official letters to the Ministers and to the Additional Secretary to Government who was in charge of the work connected with the formation of the Andhra State to supply information so that we could intelligently understand the implications of the Seventh Schedule and the propositions, which as they are stated, may look all right to those who have framed them having some information, but not to us as we have no definite information or even some information on the basis of which this Schedule has been framed. It is easy to say, 'Trust us; it is all right.' If so, the Bill itself is not necessary. The implications have, therefore, got to be fully understood by all the Members. I do not believe that even all the Members on the Government side know these figures. I do not know how far the Ministers themselves know them. Therefore, it is very necessary for us to have full information, and the advantage of having an Expert Commission is this. It will call for facts and figures and will not proceed until they are available. Here we are at a great disadvantage. We have to accept what the Government say, but the Government are not ready to accept what we say. We are also not in a position to assert one way or the other excepting on a few matters of which we have got personal knowledge. Therefore, we are not on an equal footing here at all in any sense of the term to discuss this matter. The knowledge which they have we do not possess on this side. I requested the officer in charge, Sri S. Venkateswaran, I.C.S., to give me some particulars and this is the letter, No. 2001-53-3, Public (Andhra State) which I got on the 23rd July, yesterday :—

'In your letter cited you referred to the proposal that stores, articles and other goods should remain the property of the State in which they are situated and you wanted to know what kind of stores, articles and goods are covered by the proposal. You also wanted to know what is meant by the term "unissued stores". You wanted to know further whether stores indented for a particular work or project are not attached to the sanctioned item of work and where the stores belonging to specified works like Pykara and Machkund are kept. I am directed to invite your attention to the "Notes on the clauses of the Andhra State Bill" and to say that any further clarification which you may wish to have on these points may be had during the debate on the Bill in the Assembly.'

I asked for information so that Members might have the advantage of the information before we initiated the discussion. I asked for these things more than one month before we actually took up the Bill for discussion on the floor of the House. More than ten days have elapsed since we took up consideration of this Bill. But answers have not been given except in one instance where the Finance Department was pleased to give some information. The answer of the Additional Secretary which I got yesterday is as you see that we will have information during the debate. So, it means we have to convert this Assembly into a committee or commission.

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I have no objection to it. Let us go into a committee, at any rate. But do not ask us to accept the information without the right to see the records from which they are taken. How can we accept it without the right to put questions in case of doubt for elucidation and get the information? It would not be possible to do it in the Legislature and we cannot do justice for ourselves or the people. The Additional Secretary further goes on to say—

‘I am to state that the information required by you on the position of cash balances has already been given. You have also asked for a statement showing the various places where the unissued stores are kept, the quantity, value and categories of the stores in the various districts, the loans and advances made by the Government to local bodies, societies or agriculturists, and which are outstanding or recovery for each district separately. I am directed to say that the collection of these particulars will take a great deal of time and entail very considerable labour which will not be commensurate with the value of the information obtained. What will be required in connection with the apportionment of assets and liabilities will be the position as it is immediately before the appointed day, i.e., as at the close of business on the 30th September 1953, and the position as it is now or as it was sometime earlier may be different from that on 30th September 1953.’

9-50
a.m.

Sir, from this letter, it must be clear to all that we have absolutely no information. The assets and liabilities have to be divided. The Bill was published somewhere on 3rd June or so. The statement of the Prime Minister of India was made on 25th March. Certain of the proposals which are now embodied as a schedule to this Bill were actually the proposals which were given by the Government to Mr. Justice Wanchoo at the time of his enquiry. Therefore, there was lot of scope for these articles and goods to change places and this is admitted by the Additional Secretary himself. That is why we wanted fresh particulars on many of the matters. I requested the other departments also to give me some information on these points. For example I wanted some information regarding the grant of Loans and Advances. The Deputy Secretary to Government, Revenue Department, has written to me like this in his letter No. 53701-L/53-1, dated 3rd July 1953—

‘I am directed to state that the particulars required by you are not readily available and it will involve undue labour and time to collect it. The period for which information is required has also not been stated. In any case, it will not be possible to gather the particulars before 13th July 1953 as required by you.’

That is what the Revenue Department has said. I wrote a similar letter to the Agricultural Department. I got two letters from this department. In the first letter, it was said that it was not possible to give the information and the second letter confirmed that impossibility to give information. This is what is written in the second letter LR. No. 37092-M/53-8, dated 13th July 1953: ‘I am directed to state that the collection of information required by you would entail a great deal of time and labour and it is not possible to get correct information in time to be useful for the purpose indicated by you.’ I then wrote to the Home Department to give me some particulars with regard to the stores available in the various jails. That department has given some information and particulars with regard to these. Therefore we must thank the Home Department for this little mercy. The Health Department sent me a

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reply in their letter No. 33578-H/53-5, Health, dated 17th July 1953 to this effect. 'It is regretted that it will not be possible to collect and furnish the particulars required in your letter cited in time for your use in connection with the discussion of the Andhra State Bill in the ensuing session of the Assembly.' I wrote a letter to the Chief Engineer for Irrigation. I did not ask for any confidential information from him. I simply asked him, what will be the total outlay on irrigation works up to date in this State and the proposed Andhra area separately. I only wanted figures with regard to the various irrigation works. He replied that he would collect the information, but that he cannot give it without Government permission. On many of the points, like stores, 'other articles' loans to be recovered, actual capital outlays and their returns, we have no information. Perhaps, there is plenty of light as far as the Leader of the House and the Government are concerned. But, we on our part are in complete darkness. Whether questions relate to assets and liabilities, or ordinary measures, we must have fuller information. Therefore I want the Hon. Chief Minister and other Members of this House not to import into this discussion any language difference. When we discuss a Bill, we have to know the particulars on which the legislation is sought to be based. This is a very important matter. On our side, there is a general feeling that the matter must be taken before a Commission, because the figures are not available, the implications are not known fully, and because we have no access to the records to which the Government have access. I wish to make my position very clear. When we are asked to divide these stores, should we not know some particulars, their quantity or value or where they are? "

THE HON. SRI C. SUBRAMANIAM :—" You are not asked to divide them."

* SRI T. VISWANATHAM :—" Might be. We may not be asked to divide them. We are asked to take them as they are on 30th September. Well, will it be justice? Are you doing justice to the new State? For example, take the tractors and bull-dozers under the Land Reclamation and Mechanical Cultivation Scheme. Suppose, from information which I have been able to gather from answers given on the floor of the House and from other sources, I say that the total number of units will be about 324 and on 1st April 1953 Andhra districts had 151 of them. Are they there now; will they be there on 30th September 1953? "

THE HON. SRI C. SUBRAMANIAM :—" We cannot proceed on that basis. We have to consider whether we can proceed with the information that is now available or not. That is what we have to consider. There is no use of going into further details and repeatedly referring to non-availability of information."

* SRI T. VISWANATHAM :—" When we say that the stores must be divided, we must know fuller details. Suppose there were 151 units in the Andhra territory and the rest were in the residuary Madras territory, what will be the position with regard to these

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on the date of discussion on this subject? There were 2,125 oil engines and 689 electric motors on 1st April 1953 and Andhra districts had only 692 and 161 respectively out of them. Is it fair to ask us to be content with them? Will they at least be there on 1st October 1953. No doubt, it is a simple proposition to say that the stores remaining in the respective States as on 30th September 1953 will be taken as belonging to them. Do tractors come under articles or stores? In view of the fact that we have no control over the movement of these stores and those in authority and in possession of these stores have the power to move these stores from place to place, conditions might change unfavourably for the Andhra State. Several questions were put on the floor of this House and an unnecessary turn was given by the Hon. Chief Minister while replying to Mr. Vavilala Gopalakrishnaiah, when he, the Chief Minister, said that the stores were not stolen. I would like to know the basis on which this division of stores is contemplated."

THE HON. SRI C. RAJAGOPALACHARI :—" The stores will not be stolen. Things will be carried on normally till the date of partition. That is the basis."

* SRI T. VISWANATHAM :—" The complaint is things are not done normally. I would like to know the value of the stores. What is the value of the agricultural, electricity and other stores? If they are worth only Rs. 3 to 4 lakhs, I shall sit down and I shall not mind what principle you apply for division and it will not matter very much to me. But if they are worth crores, then we must have greater details. According to my information the value will go up to Rs. 12 and more than Rs. 20 crores if we take the grains also into account. I am speaking on this with the figures collected by me from the previous years' budgets. What was the position on the 25th March 1953 when the Prime Minister made his statement? What was the position when proposals were submitted to Justice Wanchoo? What is the position to-day, i.e., the date of discussion on the subject? Finally, what will be the position with regard to these stores on 30th September 1953? When a proposition has been made for the division of stores and when the Government are in a position to alter the conditions, we are entitled to get more information on these. It is only justice that I am asking for and nothing else. For example, they say loans will be recovered by the State wherein the debtors live. But we do not know how much money is going by way of loans to the residuary State and how much money will go to the Andhra State? We are asked to divide liability in proportion to capital outlay on irrigation works. If liability is based on the cost of a work, should we not take into account whether the work has 'returned' the cost? Let us assume that it is not a division between the Tamil State—rather the residuary Madras State and the Andhra State but a division between two Telugu States, say Andhra and Hyderabad. Even then, suppose a dispute arises. We would certainly like those disputes to be examined and settled calmly and dispassionately by a commission beforehand. I

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want the Chief Minister of this State to look at this question dispassionately just as he would like to do in respect of any other partition matter and nothing more and nothing less. I would ask him to be a judge and if he is going to be a judge, I would ask him if he will proceed without records, without information and without facts. Let him act as a judge for a moment, as he is the Chief Minister of a combined State. That is why, Sir, I am submitting that the matter may be referred to a Commission which will not proceed without reference to records. Otherwise, the position will be unreal. Suppose I say a particular thing. Immediately the Government would say that the hon. Member is wrong. But what is right? That is not known. Why is this provision made directing us to proceed without some rough idea of the figures? Are we not people with some commonsense and intelligence who want to do things with our eyes open? Let it not be argued that a liaison officer is coming tomorrow. I do not know whether he will be entrusted with the task of working out these details. Probably he will be detailed for attending to Services issues. According to the Government proposal in the Bill matters in dispute will be referred to the President and what would the President ask when we go to him? Won't he ask 'what did you do when the matter was discussed in the Assembly? How can we say we did it in ignorance?' On our side, we are totally ignorant and we have got the definite authority of the Government that we must remain ignorant of facts and proceed with the matter. I submit, Sir, this is not a situation which can be contemplated with satisfaction by fair-minded people. For example, let us take the principles laid down in the various partition orders *re* : Orissa, Sind, etc. They treat pre-1921 public debt in one way; the debt on productive works in another way; that on the unproductive works in another way. The Pakistan Division order contemplated a Tribunal. Therefore, it is better, each case is argued on its own merits. I would ask the Chief Minister to detach himself once from his official position, to think he is not the Chief Minister of the residuary State and to act as a judge here for a moment. I ask him whether he is going to proceed with the clauses of this Bill without the materials being placed before us and get them passed? Should we be blamed for giving consent to a Bill, although with open eyes, in complete ignorance? Therefore, my proposition, that is, reference to an Expert Commission, is very good. It will satisfy all parties because no one will have occasion later to feel he has lost the case. A friend opposite says I am repeating myself. I am repeating my arguments because we have an adverse judge and I have to repeat and see the reaction on the judge, the Chief Minister (Laughter). (The Hon. Sri C. Subramaniam : 'You have a weak case, and so you repeat your arguments.') Yes, assume I have a weak case, but why do you fight shy of an Expert Commission, when you have a strong case, as you claim? (Laughter.) The question is not how much support my proposition gets or how strong the opposition to it is. We want as full information as possible when we discuss a matter in the Legislature? We want records. You cannot give them. It is not

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a question of our case being weak or strong. The fact is, the Legislative Assembly is not the proper forum to discuss these things. The whole question has to be decided by a commission. The order may of course be passed by the President and I am not ruling him out altogether. The President may be the final arbiter although the Constitution says something different in cases of dispute between two States. It is provided in the Constitution that if there is any difference of opinion between State and State in any such matters, it can go before the Supreme Court on the side of the Original Jurisdiction. I do not insist on that for States cannot go on being at loggerheads with each other. I do not want to invite a situation in which the Andhra or the Madras State will be driven to the Supreme Court. I am agreeable to a decision being given by the President in cases of dispute but only on the recommendation of a Commission. One provision in the Schedule is based on one principle and another on another principle. It is possible to discuss why it is so done and what is their financial effect without records? I feel, Sir, that my proposition to refer the matter to an Expert Commission is very reasonable and it will appeal to all those who are fair-minded. I do not say that the Chief Minister is not fair-minded but I want him to detach himself from the position of champion of the residuary State. What I say to him must appeal to all who have a sense of impartiality. I am not saying that the provisions are totally wrong but they do not take into account the under-development of Andhra areas and other equities. All that I say is that the matter must be referred to an Expert Commission with right to make full and open enquiry and whatever decision is given by the Commission we shall gladly accept."

SRI K. VARADACHARI:—"Mr. Speaker, Sir, I have also given notice of an amendment which is listed as No. 112 . . ."

* THE HON. SRI C. SUBRAMANIAM:—"Sir, may I intervene for a while? Mr. T. Viswanatham has raised a preliminary point whether we can proceed with the consideration of the provisions of clause 46 and the Seventh Schedule without facts being given as he wanted. I wish all remarks may be confined to that aspect of the matter and I shall finally reply. Mr. T. Viswanatham has very comprehensively covered the whole question. If any hon. Member wants to supplement what he has said I have no objection and I shall be only too willing to hear any fresh points that hon. Members may make on this issue. All that I say is let all remarks be confined to this aspect of the matter."

10-10
a.m.

SRI K. VARADACHARI:—"Mr. Speaker, my amendment is substantially the same as that of Mr. Viswanatham."

THE HON. SRI C. SUBRAMANIAM:—"Arguments also need not be the same. If there is anything new the hon. Member may speak."

SRI K. VARADACHARI:—"I am unable to catch what the Leader of the House has said."

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THE HON. SRI C. SUBRAMANIAM :—" I said that I knew that the hon. Member's amendment was substantially the same as that of Mr. Viswanatham. What I was appealing was that arguments also need not be substantially the same. If there was anything new, they may be stated."

* THE HON. SRI C. RAJAGOPALACHARI :—" Mr. Speaker, I am sorry I have to interrupt. The point is some general matters of principle have been raised by Mr. Viswanatham. It is tantamount to this that I am standing in the way of justice and that I should not have a closed mind and so on. This charge, I consider to be very important and should be discussed. Regarding the question as to how to deal with the amendments, it is a different matter and my Hon. Friend the Finance Minister himself will deal with it. Let me tell Mr. Viswanatham that I am more or less ignorant of the details and it is unnecessary, it is unfortunate and is most unpleasant what we have been brought into by whatever causes it may be. It is our misfortune and like a good Hindu I feel it is some past sin of mine, some *karma* for which I have been brought into this matter.

" Sir, let me answer, with the difficulties that I have, to the charges that have been levelled, so to say, against me."

SRI T. VISWANATHAM :—" I made no charges; I made no allegations and I tried to present the case of a plaintiff."

THE HON. SRI C. RAJAGOPALACHARI :—" He has asked me not to have a closed mind. That request is based on a presumption that I have a closed mind just now."

SRI T. VISWANATHAM :—" It is based on the facts as stated in the Bill."

* THE HON. SRI C. RAJAGOPALACHARI :—" Don't make it worse by tendering evidence. The charge is there. Let me tell him that my mind is not closed. May I retort in a gentle way? I ask Mr. Viswanatham to drop the retail mentality and adopt a whole-sale mentality just now. I quite understand his request. But here, it is not like dividing a house. It is not like dividing a piece of land or dividing a number of pieces of land. It is not dividing movable or immovable property. It is dividing the responsibilities and the charges imposed upon a Government, into two Governments and into two responsibilities. It is a division of work and not of property. Let us realise that. Unfortunately a retail property mentality—not only a retail mentality, but also property mentality, has seized everybody in the House on account of the circumstances of the case. I think we should get rid of it. Hon. Member Mr. Viswanatham asked me to get rid of partiality for the residuary State based on language. My mother tongue is known. If really one can get rid of that mentality so easily, why this claim for partition? I made this request to everybody and we could all have gone on together. There is a Bill before us for a division and we must do the best we can in the matter of division

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of one Government into two Governments. It is not a matter of some years' or some months' use of property. It is a matter concerning generations, year after year.

“ Now, Sir, the hon. Member has asked for information and he has read the very unsatisfactory—in his opinion—replies that he has received. But what was the demand to which these replies were sent? The request was to give a list of all properties in every place, in every office, in every store and in every department. Is it possible? I wish our Government had been so efficient and I wish our affairs had been so small as could be put in a ledger and into a day-book so that anybody who wants may at any moment look into it. Our affairs are too large and our efficiency has been altogether inadequate. It is not possible even in one single hospital to obtain at once and list all the stores that it has. It will take a number of days. The hon. Member Mr. Viswanatham thinks that information can be got by sending a requisition to a Minister. He has to send that requisition to one who knows a little more than himself, viz., the head of some department who sends it down to various districts. Can we get a list of stores, drugs and all other articles so easily? If he has restricted his request to a few major things, I say I would have at once tried to get it. But he has written to every Minister and every letter is comprehensive. Every letter relates to everything. We know how hon. Members demand and how they are satisfied or are not satisfied. How could I send answers without being accurate? Therefore it is that he is getting those replies. Then again, we have to divide accounts prepared for the division of a property on a particular date. Is it possible to postpone everything? Is it possible to gather concrete lists for the division? A retail mentality like that has been exhibited, I am sorry I have to say it again. It is not possible. We have to take things largely. Let us consider the greater division which India went through. It is nearly the same, though not as big as that. It is quite big compared to a household or a company. It is very big if we go into the stores also. Even the Muslims did not ask for a list of stores when the Muslim League asked for partition. Some principles were evolved during the partition of Pakistan and India and it is mostly those principles that have been put into this Bill. They are also similar to the principles evolved during the time of much smaller divisions, viz., Sind and Orissa. What Mr. Viswanatham wants amounts to this: that the two Government should, like a Mitakshara family, imagine that they have already become separated as the brothers in a Mitakshara family are deemed divided on a mere notice. He wants us to imagine and take it for granted that the two Governments have already come to exist and there should be a Receiver appointed for all the properties so that there may be no misappropriation. He feels that this is the only proper thing to do. But it is not merely impracticable, it is impossible.

“ Let me, once again, take my friend into confidence. The day when this division idea was decided upon, that day suspicion began, that day I told the Prime Minister—I hope I am not committing any breach of privilege, ‘ Please now take over the Government of Madras under the President's Rule and carry on through

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the officers, divide the State into two and hand over the two States to the two Governments.' I made this proposal not only once, but reiterated it and pressed it upon him. I did not want that these charges should be levelled, grave charges put in various forms of polite language. It is unpleasant and it is not a thing that any gentleman can tolerate. The other day a charge was made that during the time of partition proceedings the Government were trying to steal some stores for its favoured State. It is wrong. I submit, a gentleman cannot maintain such an opinion. Have we not dealt with one another so long? Have we not lived for years and years together? Have we not found an attitude of justice at least in some of my colleagues? Why then should we be suspected? I deprecate it. It is most unpleasant. So, I told the Prime Minister, 'it would not do to try; please take charge.' But he positively refused, once, twice, thrice. Then, what is one to do? Now the Bill is before the House. Is it possible to put the entire Government in the hands of a Commission and make lists of properties? We have been doing our best in that direction also and at the same time hon. Members' requests come to us: 'Repair this tank, take up this bund, don't wait for partition, all this is necessary and that must be given and this must be done.' What is one to do? Are we to put the whole thing in the hands of a few judges? I consider, with all deference to judges and with all deference to their capacity to deal with matters which immediately fall in their field, it will not be possible for judges to do justice in regard to matters of administration and of Government, of stores and things like that. They could deal with it as if it were a civil dispute between two individuals. That would be their tendency. Government cannot go on like that. We cannot, much as I wish it were possible, under the present circumstances, I submit, put the Government in commission, in the hands of a few judges. What Mr. Viswanatham should ask is—and it is really what is being done now though he does not see it,—'Lay down principles and leave the execution to a committee.' I can understand if the executive is asked to pay proper attention and that is exactly what is being done. But, what Mr. Viswanatham wants is about details so that, if the details are acceptable he would accept the general principles. He wants lists of stores and matters like that before he can agree to the general principles. What I want all of you to agree to is: Let principles as laid down in the clause remain and as to application of the principles to actual facts, it must be a matter of execution, it cannot go into the Bill. Let me take an example. Suppose a man wants to buy half a Madras measure of ghee. He can go to the shop-keeper, ask him to get a sample of the ghee, taste it and then say: 'No, no, this is not ghee. This is groundnut oil or coconut oil.' After this he may select the best and take it. But suppose one wants to buy 50,000 lbs. Can he be going on selecting the best type from every half measure? Is that possible first of all? This amendment looks only like that. It amounts only to that. That is why I say it cannot be accepted by the Government. Leave alone the question of practicability. It is impossible. We cannot be going on furnishing the list of each and every one of our stores. I can well

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understand Sri Viswanatham's mind. 'Either you give us a complete list of all your stores or simply postpone the consideration of the whole Bill itself'—that is what Viswanatham's amendment means. That is why I say we cannot accept his amendment. If hon. Members want to make any suggestions, let them make. Let the usual course of things follow."

* SRI T. VISWANATHAM :—"On a point of personal explanation, Sir. The Hon. Chief Minister has made two charges against me. One is that I am not a gentleman. The second is that my amendment reduces itself to postponing the consideration of the whole Bill itself. I deny both. I submit, Sir, with all humility that I am at least as much a gentleman as anybody else. I do submit that it is not fair on the part of the Hon. Chief Minister to call me like that. It has greatly pained me."

THE HON. SRI C. RAJAGOPALACHARI :—"Did I say that you are not a gentleman? I only said that your arguments amounted to calling me a non-gentleman?"

* SRI T. VISWANATHAM :—"If that is so, the two cancel each other, Sir. Let both misunderstandings cancel each other."

"The Hon. Chief Minister has said that my argument is unreasonable. I say mine is quite reasonable. He has not made a correct interpretation of my attitude. Sir, we are not suffering from want of time. There is still two months' time. It is not as if the division would end or should end on the appointed day. Take the case of partition of Pakistan from India. Take again the cases of Sind and Orissa. Were the division of assets and liabilities settled on the day of partition? Is it possible to divide them at one stroke? It is a slow process. We have got to go through all accounts. Adjustments would have to be made on either side. That is how things should go on. I submit, Sir, that I am not taking the case to the Original Side of the Supreme Court, although I am entitled to do so. I say I shall be satisfied with the recommendation of a neutral Expert Commission which will be appointed by the order of the President."

THE HON. SRI C. SUBRAMANIAM :—"Accept the principle without going into the details."

* SRI T. VISWANATHAM :—"What is the principle? There should be one principle. We cannot have too many principles. What does the Seventh Schedule contain? It says that the assets and liabilities of the composite State should be divided in a certain ratio, but the ratio varies from clause to clause covering fifteen or sixteen clauses. Is it not right to know exactly what are the total assets and what portion we will get? That is all we ask. I am prepared to abide by their recommendations. Commissions were appointed in the case of Orissa, Partition Councils and Tribunal in the case of Pakistan. Then why not follow the same procedure in our case also? This is not a question of family partition. This is administrative division'—that is what the Hon. Chief Minister has told us. Well, in that case, why is it not stated in the Bill that it is only administrative division? Why do you

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bring in the words 'assets and liabilities'? Well, when you have brought them in, why do you hesitate in allowing us to know exactly what are our assets? I had not even asked for all relevant details, for I do not want myself to be in the midst of a maze of figures. I simply asked the *total* value of the stores or amount of loans or value of works and their returns both in the residuary State and in the Andhra State. Is it wrong to ask for that? I did not ask for the compilation of the details of all previous administration reports, taluk-war and district-war."

THE HON. SRI C. RAJAGOPALACHARI:—"Let me inform my friend Mr. Viswanatham that I had carefully read his letters and amendments. I maintain it amounts only to what I had previously said, viz., the postponement of the consideration of the whole Bill itself."

* SRI T. VISWANATHAM:—"The Hon. Chief Minister seems to be a little too liberal in his interpretation of my letters. After all, when we are about to separate and lead our lives alone, are we not justified in asking for details regarding our assets? For instance, are we not justified in asking for details regarding electrical stores in Madras and Andhra? In fact I had not asked for minute details. I only wanted the total value of our stores. Only two sets of figures were asked for by me, one for Andhra and one for residuary Madras State. I was exhibiting, in fact not a retail mentality, as the Chief Minister accuses me, but a wholesale mentality. I did not argue clause by clause, phrase by phrase. I wanted the whole thing to go to a Commission appointed by the President of the Union of India. But the Government come in the middle and object. Can the accounts regarding assets and liabilities be settled on the 1st October 1953, the day the Andhra State is born? Will it not drag on? What happened when Pakistan was separated? Did not the Government of India agree to give Rs. 55 crores to Pakistan towards adjustment of assets on the advice of Gandhiji? The figure of Rs. 55 crores was not arrived at on the date of partition, it was arrived at much later. I do once again submit that ours is a just and correct stand. Let it be not said that we agreed to this division of our assets blind-fold, by mistake or in ignorance."

* SRI M. KALYANASUNDARAM:—"Mr. Deputy Speaker, we are now entering upon a very crucial stage of our discussion. Let me voice my support to the proposal of Sri T. Viswanatham though not for the same reason he had advanced. We are in a mood of mutual suspicion, in spite of the best efforts on either side to avoid that kind of difficulty. It is very difficult to get over this suspicion. Charges and counter-charges are bound to be levelled against one another. Attributing an attitude of partisanship to the Hon. the Chief Minister or attributing the 'retail mentality' to my hon. Friend Sri Viswanatham does not help us. The proposals of my hon. Friend Sri Viswanatham would, if accepted, mean that the formula suggested in the Bill would be in the nature of an interim award and it would not in any way prejudice the actions

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of the Government or embarrass them and the Parliament in coming to a decision. We can always reserve the right to make claims and counter-claims later on in a different atmosphere. Now the atmosphere is one of suspicion. All the parties in the residuary State in spite of their differences with the Government think that the Andhra parties are trying to grab as much as possible and so also all the parties in Andhra, whatever may be their differences in the future in their State have a tendency to think that the residuary State is trying to withhold as much as possible from their State. This state of mind and attitude will not be helpful. It has to be remembered that both in the Andhra State and in the residuary State there are people who can take an impartial view of things and be guided by just and equitable principles and help to bring about mutual understanding. In order to pave the way for that, if we can make proposals which will avoid all unnecessary controversy, it would be of much help. In that spirit only I approach the proposal of my hon. Friend Sri Viswanatham and it is in that spirit that I am supporting his proposals."

THE HON. SRI C. SUBRAMANIAM :—"According to you, we will also pass the Schedule."

SRI M. KALYANASUNDARAM :—"Whatever may be our views upon the Schedule, the Central Government is going to make a final decision; it is not at all prejudiced and all that we say is that unnecessary shouting and counter-shouting can be saved."

SRI T. VISWANATHAM :—"I have heard the Hon. the Finance Minister talking about the Seventh Schedule. I have no objection, Sir, because if the Schedule and the clause are parts of the Bill, the amendments are the counter-claims and the whole thing may be made a matter of reference to an Expert Commission. I do not say that it must be omitted but that it should be a part of it."

THE HON. SRI C. RAJAGOPALACHARI :—"I wish to add only one thing; in that case, the question of partition itself may be sent to the Commission."

* SRI M. KALYANASUNDARAM :—"The Hon. the Chief Minister assumes that certain basic principles have been laid down in the Bill and that, I submit, is where we differ. Clause 46 merely says that there is the Seventh Schedule and the Schedule mentions certain formulæ on the basis of which the partition will have to be worked out. As a matter of fact, the schedule has not propounded one basic or fundamental principle. It is making a differential approach to different assets and it is not a single constant principle and to attribute a single principle to it is wrong."

SRI T. NAGI REDDI :—"Mr. Deputy Speaker, Sir, the suggestion was made by the Hon. the Finance Minister that this amendment be discussed first and finished so that we may go to the rest of the provisions. So, Sir, we will take Sri Viswanatham's amendment and finish it."

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MR. DEPUTY SPEAKER :—" Let us have some more discussion upon the amendment."

* SRI K. VARADACHARI :—" This, Mr. Deputy Speaker Sir, is a question upon which there is bound to be differences of opinion between the two parties to the partition because every partition, whether public or private, which refers to property, is bound to involve pangs of a severe kind, of a very painful kind and it could not be that the manager of a family can assume that the several members in the family will all simply follow the principles he lays down for the partition according to his own likes. Let me submit to the House, Sir, that this clause does not lay down any principle by itself because it simply refers us to the seventh schedule and under this schedule we have 19 paragraphs and under each paragraph, several kinds of principles are sought to be applied in respect of each type of property. Each head is different from the other and different principles are laid down and no uniform principle is found. With regard to the amount of knowledge or accuracy which the Government themselves possess with regard to these things we find, as has been mentioned by the hon. Member Sri Viswanatham, that the Government are unable to formulate any figures under any head with any degree of accuracy for assisting a debate on this Bill. So, in a matter of this kind, the fundamental thing is the principle of natural justice, equity and good conscience and that principle should apply not only in the case of private divisions but also partition of public property. We find a particular provision in the schedule which says that all properties which remained in a particular territory on the appointed day shall belong to the State to which the territory belongs. We find that there are works going on, works on a large scale, public works and things like that, in both the Andhra territory and the Residuary State and the stores feeding the work are also there. If on the particular day, we find that the stores and other things necessary for carrying on the particular work are not available because of the fact that they are situated in another area, what has to be done in such a case? The articles which are necessary for the work are not available. When such questions are raised, they cannot be brushed aside as of no consequence. In the working of these provisions the principles of natural justice must prevail and one should not feel angry or hurt, injured or insulted by a demand that things should be made available for the works to go on. To preserve the goodwill between the parties, the Government should be able to place all their cards on the table before these things are carried out. It may be said as the Hon. the Chief Minister has pointed out that you are asking the whole Madras Government itself to be put in Commission, before a body of judges who may or may not be able to understand these things and who may not be able to decide these things in as short a time as possible. True, I see the force of that contention. These provisions must have been inspired or must have been in a way guided by the Madras Government. Now, whether you have done it deliberately or without having the necessary data, there is one thing which you can easily concede, namely, that you have made a set of proposals. Mr. Viswanatham and the other members who

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support this motion make certain proposals. These two proposals might be put together and sent to the Government of India for being discussed by the Parliament to see whether they are reasonable or not. If the Parliament decides in any way, we are bound by that. Therefore, what is the harm in coming to this agreement, namely, that the proposals contained in the Bill and the proposals contained in the amendments may be put together and sent to the Government of India for adoption by the Parliament in the same way in which we have agreed over the question of the Tungabhadra Project? In this manner we can easily dispose of the matter without wasting the time of the House any more. I do not think that there will be any insurmountable difficulty and I request the Hon. the Leader of the House and the Hon. the Chief Minister to agree to the proposal."

SRI G. LATCHANNA :—" I formally move my amendment No. 265."

MR. DEPUTY SPEAKER :—" You need not move the amendment. But you can speak on the amendment of Sri Viswanatham."

SRI G. LATCHANNA :—" Sir, the amendment is in my name."

SRI T. NAGI REDDI :—" If the same kind of amendment is in his name, I do not think it is wrong if he moves his amendment also."

SRI G. LATCHANNA :—" Sir, I move the following amendment :—

265 ' *This Assembly recommends that in the end of the Seventh Schedule, the following proviso shall be added :—*

" Provided the Government of Andhra State shall be at liberty to refer any or all the items of apportionment and any other matter or matters contained in the above schedule for adjudication to a Committee of Experts presided over by a Judge of Supreme Court, to be appointed by the President and these members shall not belong to any of the States concerned. " "

In moving the above amendment, I have to say a few words, Sir. I would like to suggest to the Government that there is no harm in conceding this proposal by which we will be able to settle all these complicated problems and issues in an amicable manner so that the public may not question the sincerity or genuineness of either side. It is therefore just and proper to request the Government to appoint a Committee of Experts presided over by a Judge of the Supreme Court, which can smoothly set at rest the question of division of the assets and liabilities. We can thereby avoid misunderstandings and ill-feelings between us."

* SRI T. N. VENKATASUBBA REDDI :—" Sir, the very intricate problem of the division of assets and liabilities is before us. The report of Mr. Justice Wanchoo has created a lot of dissatisfaction to both sides, the Andhra State and the residuary

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Madras State. It is for this reason that the amendment of Mr. Viswanatham and various other amendments have been tabled to Clause 46 to refer the question of the division of assets and liabilities to an impartial Committee of Experts. If we examine the Seventh Schedule we find that there are a number of complicated questions and it is but proper that the matter is referred to persons who know about those matters and who can give an impartial judgment. I am sure that neither the members of the Andhra State nor the members of the residuary State will object to a just division. I know that our friends in the residuary State will never want to cheat the Andhra people. In the same way, I am anxious that we should not take away anything that is not our due. For this reason, we request that this problem of the division of assets and liabilities of one composite State which is being divided into two can be left to be decided by a Committee of Experts. The Hon. the Chief Minister just now referred to our 'retail mentality'. I wish to submit to the Hon. the Chief Minister that this 'retail mentality' became inevitable because of a retail dealing of the stores, machinery and other equipments indulged in by Madras Government. When we say stores and other assets, we do not mean small things that run into a few lakhs. We want to take stock of the major equipments that run into several crores. If the Hon. the Chief Minister desires, he can get all the necessary information in a day or two. Is it difficult to get the particulars about the stores and machinery from the Department of Industries and Commerce? Is it difficult to have particulars about the major equipment and stores from the Agricultural Department, or the Medical Department or the Police Department? We are not referring to the stores of the district headquarters hospitals or those in taluk headquarters. We are referring to the wholesale stores that are kept for the use of the composite State at the various central points. If the question of division of these stores and other equipments is left to be decided by an impartial Committee of Experts, there will be no rancour left in the minds of the people of either State. It will help a great deal in maintaining the future relationship between the people of Andhra State and Tamil Nad. On the other hand, if they are to be divided according to the provisions outlined in the Seventh Schedule, I am sure I will be one of the sorry spectators of the bitterness and accusations that will be levelled against each other. I appeal to the Hon. the Chief Minister to see that these assets and liabilities are divided in a just and proper manner and for this purpose I humbly request him to accept this amendment and ask the Government of India to appoint a Finance Commission. Meanwhile, we can go on with the division of the State before the Commission furnishes its report."

* SRI K. V. RAMESAM :—“ Mr. Deputy Speaker, Sir, the idea of the formation of a committee is not an idea introduced newly by Mr. Viswanatham. This idea was there even at the time the Andhra Congress legislators met for the first time. It was unanimously decided by them that a committee of experts should be appointed to enable the Ministers as well as the officers to arrive

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at correct conclusions in matters relating to the division of assets and liabilities. Unfortunately that suggestion was turned down by the Government on the ground that confidential records could not be disclosed to non-officials, however expert they might be. The Government have got certain facts, and on the basis of those facts they have come to certain decisions. But we, Members of the Assembly, are absolutely in the dark as to what the total amount of the assets and liabilities is that has got to be divided. The Seventh Schedule refers to stores, articles and other goods. We do not know what stores, articles and other goods are with the present Government. Therefore the suggestion has been made by some Members that all information about the assets and liabilities should be made available to them. It is the absence of correct information that is agitating the mind of Sri T. Viswanatham and the minds of other Members. When it is not possible to furnish the information, the suggestion for the appointment of a committee of experts to assess the value of all stores, articles and other goods and also the other properties that are not capable of division may be accepted. Division of assets and liabilities by such a committee will give satisfaction to the residuary State as well as the Andhra State. Therefore the amendment of Mr. Viswanatham is justified not only on grounds of expediency but also on grounds of equity, fairness and justice and I appeal to the House to accept it."

* SRI K. KOTI REDDI :—" Mr. Deputy Speaker, Sir, I take it that we are not discussing the provisions in the Seventh Schedule. Since we will have an opportunity of discussing them one by one when the schedule is taken up, I shall confine my remarks to the general question of division of assets and liabilities by an expert committee. Some of the objections raised by the Hon. Chief Minister can be met if the amendment moved by me and supported by others is accepted. It provides that the assets and liabilities should be divided by a Financial Commission, and that pending apportionment by such a Commission, the apportionment shall be in accordance with the provisions contained in the Seventh Schedule. It appears to me to be a very important matter and we should take it into very serious consideration. It is often asked why there should be this meticulous discussion about division of assets and liabilities by the Andhras when they themselves had asked for partition. When we are parting, I do not see why we should not get what is due to us and I do not want even a pie more than what is actually due. There is naturally some difference of opinion as to what is actually due. Why should our friends burke the issue of referring the matter to an impartial committee appointed by the President consisting of two members and presided over by a Judge of the Supreme Court appointed by him? The decision of the Commission shall be final, and after its general approval by the President we must be prepared to accept it. The matter is not so easy as the Hon. the Chief Minister and some others seem to think. I went through the Schedule to find out whether there was any principle on which it was based. But I found that each question was dealt with separately without evolving a common principle. Certain principles are observed in the division

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of a family. We are parting from you for good or bad reasons, and our parting is like a family partition. Therefore I do not see any difficulty in applying the same principles in dividing the assets and liabilities. What are the principles which we apply to the partition of a family?"

* THE HON. SRI C. SUBRAMANIAM :—" We are not going into the principles now. Whether we should discuss the principles or leave them to the Financial Commission is the point, and let us confine our remarks to that. We are entitled to go into the principles when we take up the Seventh Schedule. But if Mr. Viswanatham's amendment is passed, it may not be necessary to go into the principles underlying the provisions adumbrated in the Seventh Schedule."

* SRI K. KOTI REDDI :—" Even if a Financial Commission is appointed, there is nothing wrong in our laying down certain principles for its guidance. That is why I have proposed in my amendment that the Commission shall value each asset on the basis of its market value on the appointed day. The hon. Member Mr. Nagi Reddi in his amendment has asked that the division of the property ought to be made on the basis of population. Two principles should guide the Financial Commission. Wherever it is not possible to apportion properties, that is, wherever it is not possible to separate any items of property and divide them physically each State should get its share according to their market value. The shares to be given to the States should be based on the population ratio. These two principles should guide the Commission. I am prepared to agree to the motion of Mr. Viswanatham, and I am certain that the Expert Commission will certainly be guided by these two principles. These two principles are very reasonable. I do not want to take any more time of this House at present, Sir."

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a.m.

(At this stage, Mr. Speaker resumed the Chair.)

SRI T. N. VENKATASUBBA REDDI :—" Sir, since this is a very important clause, I would like to know when this will come up for voting."

MR. SPEAKER :—" It will come up for voting at 11-30 a.m. Amendment No. 141 will be taken up separately. I will allow five minutes to each hon. Member."

* SRI T. VISWANATHAM :—" Sir, this is the most important clause. Some more time may be given to hon. Members. After all we will be sitting for three or four days more. If we are able to come to some balanced agreement, the rest of the amendments can be disposed of in half an hour."

SRI PILLALAMARRI VENKATESWARLU :—" Mr. Speaker, Sir, let me not be misunderstood either by the Chief Minister or by the Finance Minister or by any Member of this House. This is an important clause affecting the Andhra and Madras States. It is natural that we express our opinions in such a way that we carry conviction to others as well. Many

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things will have to be taken into consideration while dividing the assets and liabilities. There may be conflicting opinions. But those expressions of opinion should not be taken to mean that we lack confidence in the Chief Minister or any other Minister. (Interruption by the Hon. Sri C. Rajagopalachari.) We want discussion. But at the same time we wish to explain why we are supporting the motion of Mr. Viswanatham. We want the issues to be referred to an expert financial commission. There is no general agreement on the principles enunciated in the Bill. None of us are accepting the principles in the Bill. The Communist party suggested that population might be the basis for dividing the assets and liabilities. This suggestion has not been accepted. There are some suggestions from the other side—Andhras and others. Those principles are not accepted by us. When that is the situation, how can we go into details? There are conflicting opinions. May I request the Hon. the Chief Minister to take into consideration the general viewpoint of Members from the Andhra side? Almost all of them are demanding that there should be an expert financial commission. Why? It is because the Andhra Government will be able to present their case before them. Mr. Viswanatham has made it quite clear how difficult it is to get information. The Chief Minister has stated that it is impossible to give all the information asked for. If that is so, the Chief Minister would at least give us such information as he can. Even this was not given, and we are asked to go into the Seventh Schedule which deals with so many things on different principles. Not a single principle is being made applicable to any of the cases. Different principles are being accepted for different reasons. If we carefully read the Seventh Schedule, we will see that there is not even a single principle involved in them. Therefore we say that the whole matter should go before a financial commission. Of course that does not mean that we want to shelve the Seventh Schedule itself. We can discuss it because it is only a recommendation. The Central Government may or may not accept our recommendation and even taking it for granted that the Central Government will accept our recommendation, still there is the necessity for us to discuss the Seventh Schedule to express our opinions. I think it is wrong to conclude that if Mr. Viswanatham opposes this clause, there is no need to go into the Seventh Schedule. Let us be clear in our minds. We have been living together in a composite State for a pretty long time. Much has happened in this Madras State. There are many complaints and counter-complaints, and there is a general feeling that injustice has been done to one State. If we are to divide without going into the details and leaving them as they are, the injustice will be perpetuated for ever. Nobody knows how much we have got and how much we have to pay. All these details have been kept back. Without details, I do not know how it would be possible or advisable for us to accept the principle. Whatever may the principle, we must know how much we get. So, Sir, taking all these facts into consideration, I feel there is a good case to refer the whole matter to a financial commission. I have not heard a single objection why this matter should not go to a commission except that

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judges cannot decide the matter. When a particular principle is contested, how can we decide that in this Assembly? Is it fair, I ask? One section of the Assembly is holding one view and another section holds a different view. When we are separating very soon, how can we say that the details should be accepted as they are? It is not just or fair to decide this issue according to the majority opinion here for the reason that the Andhra State is going to be formed soon and the opinions of that State also should be taken into consideration. If that is not possible it is better to refer the matter to a financial commission who will decide fairly and justly."

* SRI L. LAKSHMANA DAS :—" Mr. Speaker, Sir, this is a very important clause. Here the entire House should agree. I am sure if the amendment of the hon. Member Sri Viswanatham is accepted, there would not be any trouble at all. We are only enunciating a general principle. Even if a joint family divides itself, generally in respect of the properties to be divided, the members of the family will refer the matter to a gentleman of the locality. So also it is always safe both for the Andhra State and the residuary State to provide that an expert commission be appointed to go into the division of assets and liabilities. It will give satisfaction to both the States. We are not in possession of details and therefore, we cannot reach satisfactory agreements. So, it will tend to the harmony of both the States if an expert commission is appointed to go into the matter. I am sure the Hon. the Chief Minister will agree to this good proposal."

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* SRI VAVILALA GOPALAKRISHNAIAH :—" Sir, the division of assets and liabilities is the life of this Bill. It is also the main source of conflict of interests. Now, the amendment is for the appointment of a committee consisting of, I propose, one retired Accountant-General and another financial expert, presided over by a Supreme Court Judge. Secondly, we must discuss the Schedule also. We have no information as to the quantity and value of stores and where they are located. For instance, machinery and stores purchased for the Ramapadasagar Project are taken to and utilized for the Bhavani Project, and stores purchased for the Romperu Project are taken to the Tungabhadra Project. The hon. Member Sri Viswanatham asked for details in regard to these things. But they are not available. So, I commend his amendment for the acceptance of the House."

* RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—" Mr. Speaker, Sir, in my humble opinion this amendment, coming so late for discussion though it had been given notice of earlier, astounds and surprises me for the simple reason that the Members who are desirous of getting this resolution passed have on innumerable occasions in the last few days taken the opportunity to press their viewpoints in regard to every detail connected with this Bill. Now when they find that it will suit them to have the whole thing delayed, they want to press this amendment. The question of the formation of the Andhra State itself was debated for some years, and they are now going to have it. The object of

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various provisions of this Bill is to see that friction is avoided in the future. It is with that view that many details have been put into this Bill, and this House has been asked to give its opinion. As I said earlier, it would have been nice if this Assembly were to express its opinion that it is for the separation of the Andhra State, and leave it to the Government of India to take all steps necessary for it. Instead of that, we have gone to the second stage of going into every question of detail. Now, having gone through almost all the questions, the remaining one is about the allocation of Rs. 4 crores or Rs. 2 crores, or Rs. 1 crore to the Andhra State. But it is said, 'We shall not discuss all these things; we want a Commission and we shall once again begin to quarrel, and it will go on *ad nauseam*.' Sir, this question of assets and liabilities has been gone into by the Partition Committee much earlier and by Mr. Justice Wanchoo also before whom memoranda relating to stores were submitted by our Andhra Friends. The Partition Committee recommended the allocation of rupees one crore to the Andhra State. The Advisers had left some money and, therefore, Rajaji did not object to the allocation of one crore of rupees recommended by the Partition Committee. Now these people have not even rupees one crore. As we understand it, a sum of Rs. 33 lakhs is due to the Andhra State and a sum of Rs. 66 lakhs to the residuary State. Sir, the Madras Government have no money. But I can assure the Andhra Members that we have the least objection to the Government of Andhra approaching the Government of India for the grant of any number of crores of rupees for building their Capital and for meeting any other expenditure they have to incur. They have our best wishes in this regard. If they have no money to start with, the residuary State also has not much money to give them. That being so, we should not waste our time and the time of the public by having a Commission like the one contemplated and go on quarrelling. Certainly we will have an endless quarrel if we have a Commission. I have heard Members here saying, 'Once we divide, let us divide happily.' Therefore, we should co-operate with each other. If the Andhra Government have no money, we also have no money. With regard to the partition of assets and liabilities, in my humble opinion, even the one crore of rupees that was mentioned was wrong. We have got liabilities. There are many old buildings. Now, our Friends have multiplied the buildings and want a division. I will be very glad if they dismantle the buildings and take their share of them proportionately. We have no objection to it."

THE HON. SRI C. RAJAGOPALACHARI:—"I have great objection to it."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I am a very orthodox man in politics, more orthodox than the Chief Minister himself. I am not a gambler. He is a gambler in politics. He is prepared to gamble with many schemes, times without number. But he is not prepared to gamble with old buildings."

THE HON. SRI C. RAJAGOPALACHARI:—"The only thing I stand for is non-demolition of what stands." (Laughter.)

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* RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ I am indeed grateful to my Leader for trying to be more orthodox than myself on this occasion. While we are vying with each other with regard to orthodoxy, I am indeed proud of the very old historic buildings in the State which have been built by the toils of the people of the old days. Therefore it is that we are anxious that the Andhra State should have good buildings, hospitals and colleges. We are friends, we are good neighbours, and we shall help each other

“ After having gone through all the provisions in detail, when we come to the allocation of seats in the colleges, 2-year period is mentioned as a long one and 25-year period as a short one. After such detailed discussion, to ask for a Commission is really to delay matters. It is tantamount to saying that they do not want the Andhra State. I throw out a challenge now. If they say they do not want the Andhra State, we shall vote for this resolution very willingly.”

SRI T. NAGI REDDI :—“ I am sorry the hon. Member need not be so sure that his own opinions are being expressed on this side of the House. We have been fighting for the formation of the Andhra State. We shall get it and there is no doubt about it.”

* RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ I am sure that the people of Andhra want the Andhra State. With due respect to the Leaders, I want to say that even when some Leaders did not want the Andhra State, I said that the people wanted it and they would not wait. I know Sri Nagi Reddi and his Party were genuinely, from start to finish, asking for the Andhra State. I do congratulate them on the consistency with which they have spoken both inside and outside this House. Unfortunately, Leaders who are non-Communists never attach great importance to the Communist Party for being united.”

THE HON. SRI C. SUBRAMANIAM :—“ Why talk about these things now? ”

* RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—“ Sir, I may tell the Hon. the Leader of the House that it is quite relevant. Now, the Andhras want a Commission to be appointed. Instead of this, it is better for them to say that they do not want the Andhra State. I saw in a Bombay paper in big headlines something like ‘ C.R. sorry about the great State being dismembered ’. We should not revive old controversies. The best method has been suggested in the Seventh Schedule and it should stand as it is. If any amendment is considered necessary, left the Government bring forward the same. More than that nothing should be done. If the Schedule as it stands is carried by a majority, and if the Andhras want to change it, there is another place for them to do it, viz., Delhi. In the Parliament at Delhi, they have their representatives who will not keep quiet. In fact this is only the first round that they are having here. The second round is before the Parliament and the third one is before the President himself. I know if the matter goes against them in the first two rounds, they will surely go before

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the President of the Indian Union with petitions urging for a change in the Schedule. I know they will surely do all those things. That is why I say that they need not bother themselves about this particular Schedule in this House. We can now allow the Schedule to stand as it is. If there is any need for changing it and if they feel that somehow it should be changed, it is for them to take up the matter in the Parliament. That will be the correct and businesslike way in which things have got to be done. Most of the details are given in this Schedule. I think the suggestion for the appointment of a Commission is only a dilatory move, or I should say that it is a move which will bring about chaos after separation of the two States. I do hope that the motion for the setting up of a Commission will not be pressed in view of the fact that they could make representations to the President or the Parliament as the case may be at a later stage, and that the Schedule will be allowed to stand as it is."

* DR. K. B. MENON :—" Sir, I rise to say a few words in favour of the suggestion made by the hon. Member Sri T. Viswanatham, in the hope that it would ease the situation created by the growing bitterness. I perfectly understand that the bitterness is only temporary and after these things are over, it would vanish. But, yet it is there and if some of us have not taken very active part in these discussions, it is for obvious reasons. I feel that the suggestion, that they have not had the time to consider these and that they are not in full possession of facts seems to be reasonable. If they plead for time, I think it should be granted if possible. The business will go on and the money will be made available by the ways and means overdraft of the Reserve Bank and other amounts under current account will be available. When they ask for the appointment of a Commission, I think the Government may very well sympathetically consider the request if the same does not in any way seriously interfere with or damage the interests of the residuary Madras State."

* SRI S. S. RAMASAMI PADAYACHI :—" கனம் சபாநாயகர் அவர்களே, கனம் விஸ்வநாதம் அவர்கள் கொடுத்திருக்கும் திருத்தத்தை நாம் ஒப்புக்கொள்வதற்கில்லை. ஏற்கெனவே சர்க்கார் செய்திருக்கும் முறையே நல்ல, சரியான முறையாக இருக்கிறது. ஆகவே அது தேவலை என்று நான் சொல்ல ஆசைப்படுகிறேன். கனம் விஸ்வநாதம் அவர்கள் சொல்வதை நாம் ஒப்புக்கொண்டு ஒரு பொருளாதார கமிஷனை நியமித்து சொத்துக்களைப் பிரிக்கும்படி செய்தால் நிறைய சண்டைகளும், சச்சரவுகளும் தான் உண்டாகுமே தவிர நியாயமான முறையில், சமாதானமான முறையில் பிரிவினை நடக்காது. ஆகவே எந்தவிதமான முடிவுக்கும் அதனால் வரமுடியாது. இப்பொழுது நம் மாகாணத்தில் இருக்கிற சொத்துக்களையும், நமது கடன்களையும் மத்திய சர்க்கார் நியாயமான முறையில், தகராறுகளுக்கு இடமின்றி நமக்குப் பிரித்துக் கொடுப்பார்கள். ஆகவே ஆந்திர நண்பர்கள் சர்க்கார் சொல்வதில் நம்பிக்கை வைக்க வேண்டும். ஒருவரையொருவர் பிரிவினை காலத்தில் நம்பினால்தான், சுமுகமாக பிரிவினையைச் செய்ய முடியும். ஆகவே இதில் பல தொல்லைகளை உண்டாக்கும் நிலைமையில் ஒரு கமிஷனை நியமிக்கவேண்டுமென்று சொல்வது ரொம்பவும் தப்பாகும். இது எல்லோருக்கும் தெரியும். இதில் மத்திய சர்க்கார் நியாயமான முறையில் நடந்து கொண்டுவார்கள். ஆகவே வீணாக பல தகராறுகளுக்கு இடமின்றி மத்திய சர்க்காரிடம் நம்பிக்கையை வைத்து கனம் விஸ்வநாதம் அவர்கள் கொண்டு வந்திருக்கும்

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திருத்தத்தை வாபஸ் வாங்கிக் கொள்ளவேண்டுமென்றும் திருத்தம் எதுவும் இல்லாமல், இப்பொழுது எப்படி இருக்கிறதோ அப்படியே சபையிலுள்ள ஸோார்கள் போட்டுச் செய்யவேண்டுமென்றும் நான் கேட்டுக் கொண்டே கனம் விஸ்நாதம் கொடுத்துள்ள திருத்தத்தை எதிர்க்கிறேன்."

* SRI T. C. NARAYANA NAMBIAR :—" Sir, being a member of the future Residuary State Assembly, I find it my duty to say that we should not allow posterity to say that we were unjust and unreasonable towards our Andhra brethren who are going to have their own State shortly. The question at issue is whether we ought to accept the Seventh Schedule as it is or are we to sit here as experts to discuss the whole matter? I maintain that we are completely ignorant of the facts as it is. So I request . . ."

THE HON. SRI C. SUBRAMANIAM :—" Shall we say that we have no opinion to express? "

* SRI T. C. NARAYANA NAMBIAR :—" We can express our opinion, but it cannot be final. There are so many controversies. It is suggested that this should be referred to a Committee of Experts who should be thoroughly impartial. There are two or three issues to be considered. In this Seventh Schedule, it is stated that in some cases the principle of market value and in some cases of book value and in some other cases that of capital investment are adopted. In the absence of fuller facts, it is not right for us to go into details. Therefore, I request that the matter may be referred to a Committee of Experts who should be impartial."

* SRI N. GOPALA MENON :—" Mr. Speaker, I came to this Assembly with a perfectly open mind and when I listened to the speech of hon. Member Sri Viswanatham, I thought that it was only fair that all the particulars regarding the assets and liabilities of the State should be placed before the House. But, when I heard the Hon. Chief Minister saying that the case of the partition of a State ought not to be regarded as a family partition, that we, cannot as in a family partition bring every article into the hotchpot and divide them and that we ought to think about the rights and responsibilities of the people who are dividing, I thought that it was right that we should view the whole affair from that angle. The suggestion of hon. Member Sri Viswanatham that we should abdicate our functions here as representatives of the people and that we must have a Commission appointed, whether they be experts or judges, to decide this question relating to assets and liabilities that have to be divided among the two States, is a wholly unacceptable suggestion. There is no question of arbitration in these matters. We have to divide the assets and liabilities as best as we can under the existing circumstances. All that we can do in this House is to lay down certain principles on which the assets and liabilities have got to be divided. If Mr. Viswanatham wants the same analogy of a partition suit in a Court of Law under the Mitakshara Law to be applied in this case also, I want to say that even in a court, the judge ordinarily in the first instance defines the share of each of the members of the family and appoints a Commissioner for allotting the various

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properties to be given to the respective members of the family. Similarly, we have to define the general principles on which this division of assets and liabilities has to take place. In this Seventh Schedule a certain proportion is laid down, as to what the Andhra State has to get, Madras State has to get and Mysore has to get. It is not for us to make out a list of the properties, movable and immovable. A very wholesome principle is laid down in the very first paragraph of this Schedule stating that the lands, stores and articles which are in each territory are to remain there, and that in the case of cash, loans and other movables, they have to be divided in a certain proportion. Regarding certain industrial and commercial undertakings, thinking that it would be unfair if they are allowed to remain in the respective States in which they are at present, it is stated that there should be division of these things in a certain proportion. If there is really to be a dispute, there is always the President to decide the matter. On the whole, the principles laid down in the Seventh Schedule are fair. All that we can do is to lay down the principle and the Government consisting not only of Andhra Members but also of non-Andhra Members will go into the whole question with the assistance of experts, if need be, and settle the matter amicably."

* SRI T. NAGI REDDI:—"Mr. Speaker, Sir, we have come to the most crucial and also the final clause of the Bill. Let us not ignore the opinion that is obtaining now. There is certainly quite an amount of suspicion among Andhras that the whole question of assets and liabilities is not going to be solved to the satisfaction of the new State. Even if I were to say that there is no suspicion, it is not going to help matters. Taking all these facts into consideration and after going very carefully through all the clauses contained in the Seventh Schedule, we have come forward to support this amendment for the appointment of a commission to go into the question of apportionment of assets and liabilities. I would go one step further and say that a principle should be adumbrated as to how the apportionment should be made and that is what our amendment says, viz., that apportionment should be on the basis of population. Leaving that aside for the present, I would come straight to the question as to why I ask for a financial Commission. When the question was first raised, the Chief Minister asked us to think in terms of wholesale mentality and not to have a retail mentality. It is with a wholesale mentality that I am supporting this amendment. It is with that mentality only that I ask for a financial Commission. We, sitting here, do not believe we are experts and try to think we have understood the whole question. Sir, we have been told that clause 46 in part V has a principle. Let me read that clause to the House. It says:

'Subject to the other provisions of this Part, the assets and liabilities of the State of Madras immediately before the appointed day shall be apportioned between that State and the States of Andhra and Mysore in accordance with the provisions contained in the Seventh Schedule.'

If there is any principle here, it is this, that the assets and liabilities of Madras State shall be apportioned with reference to the

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provisions of the Seventh Schedule. And what is the principle referred to in the Seventh Schedule? I do not call it a principle at all. If at all it should be called so, it contains not one principle, not two principles, but many, many, different principles. I have gone through the Seventh Schedule very carefully and in great detail and clause after clause therein is governed by a new set of principles different from the previous ones. And it is according to these principles that we have been asked to apportion the liabilities and assets between the two States. When we cannot have even the approximate figures of value, or the basis on which all these clauses are framed and we are asked to proceed to divide our assets and liabilities without reference to records, then the only result is suspicion. So, is there anything wrong in demanding a Commission to examine this question? I find that on the question of cash balances in treasuries and credit balances with the Reserve Bank of India, we are asked to divide on the basis of population"

THE HON. SRI C. SUBRAMANIAM:—"We are on amendment 114. You speak about the Seventh Schedule."

* SRI T. NAGI REDDI:—"The Chief Minister wants us to think in terms of principles. I want to say that the Seventh Schedule contains no principles at all, in that it fixes different principles for different clauses. That is only a kind of blind man's apportionment of assets and liabilities. I do not want a blind man's rule. I want people to think in terms of actualities. Clause after clause in the Seventh Schedule varies in principle and hence I say the whole of the Seventh Schedule should be rejected wholesale. It is not with a retail mentality that I am speaking. It is because I speak with a wholesale mentality, there is so much trouble for you. I have said about the credit balances with the Reserve Bank. Take the unissued stores. The Seventh Schedule says any unissued stores of any class shall be divided between the States of Madras, Andhra and Mysore in proportion to the total indents for stores of that class made in the three years immediately preceding the 1st day of April 1953, for the areas respectively comprised in the three States. Here the principle of division is entirely different. The Schedule contains a hundred principles. Where are we to search for the indents for the three years previous to the year of partition in the three States? Again, take the Government Press at Madras. The Andhra share will be given as far as practicable in the form of machinery and for the balance an adjustment may be made in cash on the basis of the book value of the machinery less depreciation where such depreciation is adjusted in the accounts of the Press. What is the depreciation? Where are the records for us to find out the depreciation? For each case, there is a different principle and we are asked to accept that principle. That is why I say a financial Commissioner should be appointed. He will study the public mind and hear the views of the representatives of the people. He can then apportion the assets and liabilities between the two States on the basis of the opinions expressed before him. With due respect to the Chief Minister and the Leader of the House, let me say that the discussion of the Seventh Schedule will not be fruitful

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if the Government do not agree to the appointment of a financial Commissioner. Otherwise, the Government should at least be prepared to place before the House facts and figures relating to the several items mentioned in the Seventh Schedule, the book value of the machinery, the cash and credit balances with Reserve Bank, etc."

THE HON. SRI C. SUBRAMANIAM:—"The hon. Member is going into details. We are only discussing the preliminary thing."

* SRI T. NAGI REDDI:—"I am also discussing the preliminary unprincipled Seventh Schedule. That is what I want to impress upon the House. I base my whole argument on the fact that the Seventh Schedule is most unprincipled in that it adumbrates different principles for different items. Sir, I was surprised when Mr. Viswanatham read the reply he received from the Government. After all what is the information required about? It was not about details as to how much of quinine was there or about needles or bandages. The information asked for was about the unissued stores with the Madras Government at present and their actual value. The information can be given at least in crores if not in lakhs. We are told it is unnecessary. It is not unnecessary. It is very necessary.

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"Then it is said that we are dividing work and not property. It is true. All of us have commonsense and I am sure people who have elected us think that we too have commonsense. I did not expect that any installation would be carried away. Nobody is thinking in that line. I am sure even Mr. Muthiah Chettiar will agree with me that no one is thinking of carrying away bricks and mortar. The question is not at all that. It is not a question of property. It is both work and property. If this information is not given, the question of division of assets and liabilities has no meaning and it will be a farce. Some Member was telling, 'let these principles in the schedule be accepted and the commission will go into the details.' If the principles are accepted, there is nothing for the Commission. If that is the case, we believe the Hon. Chief Minister more than any Commission. When once a principle is accepted, I do not think I will have any disbelief in the apportionment of assets and liabilities. It is not a question of suspicion. The question of suspicion comes on account of principles. Therefore, I say that the whole matter stands on a different footing.

"Then, it is said if the division of assets and liabilities is left to a commission, the whole question is postponed, the formation of the Andhra State is postponed and Mr. Nagi Reddi is not interested in the Andhra State. I am very much interested in the formation of the Andhra State and every Andhra is interested in it and the whole world knows it. After all assets and liabilities can be divided even after the Andhra State is formed, i.e., after 1st of October 1953 and it does not matter even if it takes some time. That need not hinder the immediate formation of the Andhra State

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and let not my friends who are going to oppose this amendment go with the impression that we are trying to postpone the formation of the Andhra State.

“ Therefore, without going into the details, if we come to an agreement in regard to the fundamental principles, the Commission will go into the details and there will be friendly feeling between the two States. If the amendment is not accepted, I am afraid the friendly atmosphere with which we have begun the discussion on the Andhra State Bill will get poisoned and vicious. I think the Government should accept the amendment moved by Sri T. Viswanatham and avoid the rancour that would probably be the result of non-acceptance. If we are going to proceed in the manner in which are trying in regard to the division of assets and liabilities, certainly we will be creating some misunderstanding. We want the commission to go into the details. We are told that acceptance of this amendment will create chaos. Acceptance of the amendment is the only way of dividing the assets and liabilities in the most friendly manner and of maintaining order and peace. Therefore, Sir, I request that the amendment seeking to appoint a commission may be accepted. Probably the commission may lay down the principles or they may accept our principles or the Government's principles. If the amendment is accepted, we will be parting in a most friendly atmosphere. If it is not accepted, I am afraid, we will have to part with a very heavy heart.”

* THE HON. SRI C. SUBRAMANIAM :—“ Mr. Speaker, we have come to the most important clause and naturally the most difficult clause also. The attitude of some persons in dealing with a difficult and important problem is to postpone the decisions and that seems to be in the minds of some Members. I respectfully submit, Sir, that will lead to further complications. It is better we discuss and decide however complicated the problem might be and however much it may give rise in the course of discussion to a certain amount of bitterness. I am sure that bitterness won't last and it will be left behind in the Assembly itself and will not be carried beyond. In that hope let us try to solve the difficult problem. In discussing this problem, two matters have been mixed up. One is how and on what principles the assets should be divided and the second is the suspicion created whether these assets will be properly kept and preserved for the purpose of division. It is that suspicion that runs through all the proposals and the speeches that have been made in the House; whether we refer the various issues to a Finance Commission or decide them ourselves here, does not in any way solve this problem. If there is any suspicion that this Government will not preserve the property during this interim period whatever be the principle of division adopted; it has got to be dealt with in an altogether different manner. If there is any suspicion then there is only one method and that had been indicated by the Hon. Chief Minister. The whole State should be left in charge of a third party to effect the division. That is, Governor's rule should be there. That is the only alternative to avoid such a suspicion. A receiver should be appointed to take over our properties and he

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must see to it that the division is properly effected. I do not think that such is the feeling of a majority of members on the other side. I may assure hon. Members that we have nothing to do with the division of property between the Andhra and the residuary State. It is entirely the look-out of the Government of India. We are only concerned with principles now. We only want that we should adhere to certain principles of division and nothing more than that. We are not going to secrete or steal or transfer any property. In fact, we cannot do so straightaway. Records and accounts are to be maintained for the same. At any time anyone can scrutinize them. It is not as if we can remove the whole of Andhra property at one stroke. It is perfectly open to the Andhras to bring forward their own case and argue and claim compensation for this irregularity or that. They may go to the Government of India or even to the Supreme Court for the purpose of getting redress. But that is quite a different thing. We are concerned only with the preservation of the property till the division takes place. Actual division and the manner in which it is to be carried out—all these will be decided by the Government of India. For my own part, I may say to hon. Members that I myself do not know the exact figure regarding our total assets of various categories. Hon. Members on the other side have said what all they wanted to say. It is all due to suspicion. It is all a reflection of their mentality of suspicion that we may not preserve their properties till the division takes place. Sri Vavilala Gopalakrishnaiah is the very embodiment of that suspicious mentality. Let us not go further into that. Let us note that we cannot take away the property surreptitiously. We cannot remove our properties straightaway without following the regular procedure. If a wrong has been done it can be corrected later on. That need not be mixed up with the principle of division. Hon. Members on the other side say: 'You want us to accept the principle. How can we do so without knowing the exact extent of the properties concerned.'

"I submit, Sir, let the principles be first accepted. But Sri Viswanatham cannot accept that principle. He says: 'Get me the exact figures with regard to each and every one of your stores. That which is profitable, I shall take and I leave the rest to you.' That is exactly what he says. That is the principle he wants to adhere to. But I say that should not be the proper course to follow. We must divide not only our assets but our liabilities also. There are of course many principles involved in division. Let me take a concrete example in respect of which two lines of arguments can be advanced. There is the question of loans due to the State from the various parties in our State. We can tackle this question in two ways. We can take it straightaway as an asset and allot it as assets to the respective sharers. We can deal with this in another way. Out of the loans that have been disbursed, some loans may be recoverable. Some may not be so. So it may be decided that each State will be entitled to the dues within its area. The line of argument adopted by Mr. Viswanatham is that what is disadvantageous to him he should not have. That is what he says, to put it shortly. That should not be the line of

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argument which hon. Members should take in effecting a division. We must divide not only our assets but our liabilities also. That is why, I say, first and foremost, let us accept the principles on the basis of which allocation will be made later on. As Mr. Gopala Menon, (as an experienced lawyer, he deals with such cases every day in court) put it, even in a Court of Law whenever such cases come up for decision, the Judge takes into account first the principle of division applicable to the family. He does not go in the first instance into the question of the exact figure of the total assets. The principle of division should be first settled. Then only the receiver or commissioner is appointed to effect the division. That is why I say, Sir, let us first take a decision on the principles, without wasting much time in advancing arguments based on mutual suspicion.

“ The actual division will have to be carried out after all the accounts are settled and a proper analysis of all available data relating to the accounts of the composite State is completed. I suppose hon. Members are aware that even while partition of Orissa from Bihar and Madras was effected they followed certain basic principles of division. Even during the deliberations of the Partition Committee of 1949-50, when my venerable friend, Mr. Prakasam was there as a member, these basic principles of division had been agreed upon. After that Mr. Justice Wanchoo came. He had also laid down certain broad principles on which the properties of the composite State are to be divided. That is why, I say, let hon. Members realize the exact position in which we stand now. We, I mean, the Government of Madras, have not framed the Seventh Schedule. Let me reveal the truth that we had nothing to do with the clauses of the Schedule. It is all the concern of the Government of India. They have laid down the principles on which the division is to be effected. It is not as if the Government of India is for the first time dealing with such a division. It is not as if the Andhra State is the first division that is taking place. In fact, there had been the partition of Sind. Take the case of partition of India itself into Pakistan and India. In all these divisions we have followed certain basic principles on which division had been effected. It was in that view memorandum after memorandum was presented on behalf of the parties to Justice Wanchoo and now to say that everything should be left in a state of suspension and that we should not decide upon principles but straightaway appoint a commission not for actual division of properties, but for the purpose of laying down the very principles of division is wrong. If we do that, Sir, let me be permitted to say that we will be a laughing-stock to the Parliament. Then, Sir, Sri Nambiyar said that we are all ignorant about these matters and, therefore it should be left to a body of experts for decision. I feel, Sir, that the whole thing arises from the fact that Members approach these questions in a spirit of suspicion, fear and doubt. That, I submit is not correct. I submit, Sir, it is a wrong approach and it is a wrong thing that we should go behind the Constitution, that we should go behind all the principles of democracy and hand over the entire decision to a body of experts. In this

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view of the matter, I submit that a Finance Commission will not serve the purpose. Sri Nagi Reddi waxed so eloquent and asked : 'What are these principles; different principles have been formulated for different assets here in the Schedule?' Let me submit to the House, Sir, that two basic principles have been adopted as they have been adopted in all partition matters and the first basic principle is continued in paragraph 1 of the Schedule. Sri Nagi Reddi asked what was it that clause 46 contained except a reference to the Seventh Schedule. Clause 46 and the Seventh Schedule have to be taken together for the purposes of discussion. The principle adopted in paragraph 1 of the Schedule is that the assets standing in each territory shall go to that State and that is the basic principle adumbrated in the clause subject to the other provisions in the Schedule. This I might say, is a principle which is accepted in all cases of division of a State. The application of this general principle may cause certain difficulties with reference to certain type of assets and that is why paragraphs 2 to 11 deal with them and that is why taking into consideration the different assets, other principles have been formulated which would be just and reasonable. In the succeeding paragraphs principles have been adumbrated having regard to the nature of the assets, the value of the assets, the utility of the assets and the necessity of the Andhra State or the Residuary State for sharing them. Sri Nagi Reddi felt that there should be a simple and a single formula. But if you consider the fact that the nature of the assets varies, application of a single formula will work great hardship, either on the Andhra State or the Residuary State. The Finance Commission, it is now said, is not to decide the basis of the division taking into account the nature of the assets. The Commission will have to start from Tirunelveli, village by village, take one Government building after another, because it is all Government property and this process will have to be completed village by village, town by town and district by district and the entire assets should be valued and then the division should be effected on the basis of population. That is the simple formula given by the Communist Members."

SRI T. NAGI REDDI:—"It is not so, Mr. Speaker, Sir, and I will explain. It is not the brick by brick division that we had in mind in putting up our amendment. It has been proposed that the division should be on the basis of population. That is the simple clear way in which the question of division should be dealt with."

* THE HON. SRI C. RAJAGOPALACHARI:—"As the Adviser to the Government of India at this distance, I should like to understand clearly what your position is. Is the verdict of the Commission to be given before partition or not?"

SRI T. NAGI REDDI:—"I said very plainly in my speech that it could not be before the partition, because the time before us is very short; it may take some six months after partition."

THE HON. SRI C. RAJAGOPALACHARI:—"On what basis are we to divide; should not the States concerned know it?"

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SRI T. NAGI REDDI :—“ If this is accepted, the division will be on the basis of what has been stated at present and then the Finance Commission will come and decide the actual basis of division. In other words, the Seventh Schedule is subject to revision by the Commission and till it is finally decided we proceed on the present basis.”

* **THE HON. SRI C. SUBRAMANIAM** :—“ With reference to what fell from the hon. Member Sri Nagi Reddi, I wish to submit that this is the amendment which that party has proposed—

‘ This House recommends to the Parliament of India that the entire Seventh Schedule be amended so as to provide that all assets and liabilities of the existing State of Madras be divided between Madras, Andhra and Mysore in the proportion of their population, viz., 62·75 : 36 : 1·25.’

The word ‘ all ’ has got a definite connotation and that means that every asset and every liability will have to be taken into account.”

SRI T. NAGI REDDI :—“ Let me clear the position, Mr. Speaker, Sir. It is wrong to give such a wide interpretation. We had stated unissued stores, goods and articles and various funds including depreciation funds. These are the things that have to be taken into account for purposes of division. It is not as though everything has been stated there. It is not so very bad and so, I would request the Hon. Minister to look into it more carefully.”

SRI M. HANUMANTHA RAO :—“ The Hon. Minister was preventing speakers from going into details and asked them to confine themselves to principles but in fact, now, he is dealing with details but not with principles. Can I now raise a point of order that he should confine himself to the question of whether a Finance Commission is to be appointed or not? ”

* **THE HON. SRI C. SUBRAMANIAM** :—“ When other hon. Members have raised certain points I have to answer them even though they may be irrelevant. Even though it is irrelevant, I have to argue and point out that it is irrelevant. I have read out to the House what proposals Sri Kalyanasundaram and the Leader of the Opposition have made in amendment No. 176 and they represent the Communist Party. I will only leave it to the House to decide what ‘ all ’ in the words ‘ all assets and liabilities ’ means.

“ Whatever is payable by us is a liability and whatever we have in stock by way of property, etc., is an asset. I know, Sir, the Communist Party has got a simple formula for everything and simple remedies for everything but the difficulties and the complexities they create is a thing which everybody in the country has realized. Therefore, let us not be carried away by the simplicity of the formula. Even though it looks simple, it is most complicated and there will be no end to the confusion and complexities that will flow from it. 12-10 p.m.

“ I was saying, Sir, that the basic principle is given in paragraph 1 and the other paragraphs 2 to 11 deal with the particular nature of the assets and different principles have been enunciated having regard to the nature of the assets. It is open to hon. Members to discuss those things and say that some other

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principle should be applied to those things. Paragraph 12 of the Seventh Schedule deals with the allocation of liabilities. There is the public debt payable by the composite State of Madras and paragraph 12 lays down how it should be divided. But there are certain liabilities which will be accruing later on and provision has also been made for them. Paragraphs 18 and 19 explain how a matter should be dealt with in cases of difference of opinion. Let us not be carried away by the simplicity of the Communist amendment that *all* assets and liabilities should be divided in proportion to the population. It is a complicated amendment. But the provisions in the Seventh Schedule are very simple and if only Mr. Nagi Reddi has got the mind to read it and find out what is the principle involved and why such a solution has been suggested, he will certainly appreciate it. If there is anything wrong, it is always open to the hon. Members to suggest amendments or changes in the application of those principles. Let us not be bamboozled into believing that when we go into these things, there will be quarrel and bitterness. There is no use shirking it. If there is bitterness and if any operation has to be done, let us do it as soon as possible. If we accept the suggestion that a Finance Commission should be appointed to go into the question, each party will be giving memorandum after memorandum and each individual from all over the State will be making representation. Instead of confining this matter to a debate in this House we will be throwing open the door for the entire State to discuss the matter and certainly passions will be roused. We shall discuss the principles outlined in the Seventh Schedule and if we find any change is necessary, we shall make it. Even this Government consider that there is necessity for making certain changes in respect of some paragraphs in the Seventh Schedule. It is not as if we have accepted that Schedule *in toto*. We ourselves have suggested some amendments. Therefore I respectfully beg to submit that amendment No. 114 moved by Sri Viswanatham, instead of helping us to arrive at a peaceful settlement, will only lead to further bitterness and misunderstanding. After all, Parliament is the ultimate authority and they will certainly take into consideration the decisions taken and the views expressed by the hon. Members and they will come to a decision which we will have to accept."

* SRI T. VISWANATHAM :—“ Mr. Speaker, Sir, considerable ground has been covered. I am only sorry that the hon. the Leader of the House has not understood the spirit in which I have made the suggestion. He says ‘Let there be bitterness. Let us face it’. All right. He is in a majority. He can throw a challenge like that on a minority here. He is a party to the Bill. He has got knowledge of the facts and the implications of the various provisions and he wants to be a judge in his own cause with a majority behind him! I am thankful to Sri Kalyanasundaram for his judicial attitude. I am glad that certain Members on this side, although they belong to the Residuary State, have taken a generous, reasonable and just attitude. They have realized that we are in a minority here and are not in possession of the facts.”

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THE HON. SRI C. SUBRAMANIAM :—“ I am always in the right. Only the minority is in the wrong! ”

* SRI T. VISWANATHAM :—“ I started by saying that apart from the question of minorities and majorities, we have no knowledge about these things. The Hon. Minister, who has been a party to the provisions of the Bill, to the drafting of the various clauses of the Bill and who has sent up the suggestions of this Government to the Government of India, wants us to believe that he has no knowledge of these things. I do not think that such an argument will cut any ground. The hon. Sri Muthiah Chettiar, Sir, is a nice gentleman. He chooses his own time, comes here, makes random remarks and then goes away. But to-day, to our surprise, he is in his seat. (Laughter.) He thinks that if the matter is referred to an Expert Commission, it would reopen clauses discussed yesterday and result in delay and chaos. I invite his attention to the wording of clause 46, namely, ‘ Subject to the other provisions of this Part ’. That is to say, we do not once again touch what we have already disposed of. It is only with regard to the specified items that are mentioned in the Seventh Schedule that the matter would go to an Expert Commission. I do not want to argue with the hon. Sri Muthiah Chettiar, but I only want to correct his impression of the facts. It has been said by the Hon. Sri Subramaniam that this is a most important clause and also a difficult clause. As I said, it is difficult for us. But it is really not difficult for him. It is difficult for us because we are in the Opposition with no facts, no figures and no records. We regret to say we cannot believe that the Government have no facts as the Chief Minister and the Leader of the House say. If they have no facts, why could not they wait? Leave me; take Mr. Nagi Reddi's amendment. Why do the Government not accept it? The Hon. the Chief Minister remarked that we the Andhras start with a particular mentality and he went on commenting on our mentality. Each one has got his own mentality! But we are not discussing mentalities here. We are discussing hard facts and figures. He said that my proposal is like throwing away all the property into a Receiver's hands. I submit it is not. Governments would go on with their administration; only the accounts and records and transactions up to the date of partition will be scrutinized by the Commission for the purposes of division of assets and liabilities. I suppose it was an inspired moment when Sri C. Rajagopalachari, according to his statement, conceived the idea that the Government of this State should be handed over to the President as soon as the Prime Minister made the announcement about the formation of the Andhra State. I wish he had kept up that inspiration and pursued the idea. It would have been better if the Government of India had accepted his proposition. Anyway I want the Government to render to us the things that are due to us. By ‘ us ’ I mean not the Andhras but the Members of the Opposition benches. To be in possession of adequate facts and figures is the right of Opposition. To be pleading all the while that the Government are also ignorant is not a correct method and does not show a correct attitude of

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mind. The hon. Sri Subramaniam said that if there were any thought, the Andhra Government might afterwards refer it to the President or the Supreme Court. How? On what basis? We are not in possession of facts and figures and on what basis are we to go to the President? Are we to go to him saying that there is some mistake in addition, subtraction or totalling of figures? Once we accept the Seventh Schedule, there will be no case for going to the President or the Supreme Court. There will be no accounts for scrutiny and no record will be kept of the movements of stores to which some reference was made on the floor of this House during question time. It is a matter of not a few lakhs but crores of rupees. In the loan notification, it is said that the Madras Government held stocks of foodgrains and chemical manures worth Rs. 12 crores at the end of March 1953. They are not included in the unissued stores and we do not know to whose credit they will stand. They have been purchased from the general account."

THE HON. SRI C. SUBRAMANIAM :—"The Government have proposed an amendment suggesting that State Trading Schemes should be treated in a different manner."

*** SRI T. VISWANATHAM :—**"I know they have got to be treated in a different manner. The Government have suggested one method and we may suggest some other method."

"The Government are likely to have more than Rs. 15 crores in irrigation equipment or agricultural stores and electricity stores. It may be said that the stores should go to the State in which they exist on the 30th September. On that date there may not be any stores at all in the Andhra territory. The Hon. Finance Minister asks us to reopen the question afterwards. But to-day I have got a voice to ask him standing face to face. If I do not get anything now, does he mean to say that the Andhra Government will be able to get a single item of record later? It is impossible for the Andhra Government to get anything. Therefore I submit that this matter must be referred to a Commission. I draw the attention of Mr. Muthiah Chettiar to the fact that my suggestion does not delay the formation of the new State. On the 1st of October, there will be a ways and means overdraft and some tentative division of revenues will have been made and the State will begin to function. The Commission can continue its work even after that date and give its verdict. The President of the Indian Union will embody that verdict in an award, and then final adjustments can be made."

"The Hon. Leader of the House said that similar provisions were there in the orders relating to the formation of the Sind and Orissa Provinces. With regard to land, I agree. When a new State is formed from out of an old State, the land comprised in the new State and the residuary State goes to the respective State. But everything else is not the product of nature. Everything else is the product of labour and money and that labour and money come from the people who constitute that State till the date of partition. Land goes by one principle and

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the other things must therefore go by a different principle. For the division of other things, the Communist Party has one method and I have got another method. Suppose I advance this proposition in respect of the division of commercial concerns. The total value of all the assets and the total value of all the liabilities should be taken and the excess of one over the other, the net assets as they are called, should be divided between the States of Madras, Andhra and Mysore in the proportion of 62.75 : 36 : 1.25. Is the Hon. Leader of the House in a position to understand fully the implications of it, and on that account will he throw it out by the counting of heads? There are several methods in which these matters have got to be approached. The Government are not prepared to accept the amendment of the Communist Party for the reason that they do not know the effect of it. We also do not know the implications of the provisions in the Seventh Schedule and therefore we do not accept the Schedule. If it is sound argument for them to say that, because they are ignorant about the implications of a proposition, they cannot accept it, it is equally sound for us to reject their propositions on the same ground. The Sind and Orissa Orders to which he referred give one uniform treatment to all the pre-1921 debts, one uniform treatment to all the productive works, one uniform treatment to all the unproductive works, one uniform treatment to all the capital works and so on."

THE HON. SRI C. SUBRAMANIAM :—" I did not say that this Schedule and the allied clauses incorporate *in toto* all that is contained in those Orders. The principles had been worked out, the Government of India have taken all these principles and the changed circumstances into consideration and evolved a principle."

SRI T. VISWANATHAM :—" The Hon. Leader of the House has not added to my information."

THE HON. SRI C. SUBRAMANIAM :—" I can never add to his information."

* SRI T. VISWANATHAM :—" I am sorry we are in that position. When he refers to the Sind and Orissa Orders, should he not trouble himself with the circumstances in which they were passed and the provisions that they contain? Why should he be angry? "

THE HON. SRI C. SUBRAMANIAM :—" I am not at all angry. Why should I be angry with you when you are fighting your cause according to your own lights? I have been a lawyer and I will never get angry."

* SRI T. VISWANATHAM :—" Lawyers also get angry at times. I submit that in my amendment I have suggested one method for dividing the assets and liabilities. The Communist Party's amendment suggests another method, and Sri K. Varadachari's amendment suggests still another method, and the Bill contains one method. I submit that in matters like this, the

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Legislature is not the proper forum to decide. We do not have the facts. We cannot approach the Hon. Speaker and show him any documents saying that the Hon. Leader of the House is wrong and that he had better look into the documents.

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“ The Bill says that all the public debt shall be the liability of the Madras State and Andhra has to pay apparently without a voice, what the Madras State prescribes. What is the difficulty in collecting and furnishing the figures for loans recoverable? The Government try to throw a cloud and keep the whole matter nebulous by saying that Mr. Viswanatham is asking for a maze of figures. This frame of mind will lead us nowhere. They put forward an over-simplified proposition, that the loans will be collected by the State in whose area the debtors reside. I have information that more loans have been granted in one area than in the other out of the combined revenues. Mr. Nagi Reddi said that out of the loans to be collected, 36 per cent should go to the Andhra Government irrespective of the fact of the debtor's residence. What is wrong here? They must know facts and we also must know facts. The same is the case in regard to stores. (Interruption.) There are some principles adumbrated for the division of States. Take the division of East Virginia and West Virginia. The matter went up to the Supreme Court of U.S.A. later. They enunciated certain principles. They said that it should not be looked at from the purely population point of view, but the resources and the developments of the States also must be taken into consideration. Because, it was a division of one State from another. Why does a State want separation? Because, that State has not been developed. It is only the undeveloped State that wants partition. Therefore, the Supreme Court said that the developments and resource of the State should also be taken into consideration, while dividing the assets and liabilities of States. If this House is a Commission, I would have brought the judgment and given an opportunity to the Leader of the House to see things in a just manner. What is the use of bandying words like ‘ mentality ’, ‘ no mentality ’, and saying there is suspicion, etc. In matters like this except arguments, nothing useful can be done either here or in Parliament. But if the Government refer the matter to an expert commission, we will have an opportunity to put forward our respective claims in the best manner possible. Take for example the Machkund project dispute. It was not settled in the Madras Legislature or the Orissa Legislature and then endorsed by the Government of India. But a Commission was appointed. The Madras Government engaged a lawyer. The Orissa Government engaged a lawyer. I was present when the dispute was being argued. We know how the case was handled. Simply because we do not have a State to-day, shall we be at a disadvantage? The Government in which the Andhras are in a minority are framing proposals, they are the claimants, and they are the Judges also. We are putting forward for the consideration of this House a simple proposition for fair play. My non-Andhra friends on this side also

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are supporting my proposition. It cannot be said that Mr. Ramamurthi and Mr. Kalyanasundaram are willing to forego anything which is due to the Residuary State. But what they want is that justice should be done. Particularly when we feel that justice must be done, and that cannot be done here, our prayer must be granted. We shall take an analogy. Suppose there is a criminal case before a Magistrate. If a party should simply say 'I apprehend I cannot get justice from this magistrate', that party's case is transferred to another magistrate. No particular allegations need be made."

THE HON. SRI C. SUBRAMANIAM :—" When did such a thing exist? "

* SRI T. VISWANATHAM :—" It existed when I was at the bar and when the Hon. Minister was at the bar. Probably he did not take advantage of it. (Laughter.) On the civil side, I know of a case which involved a sum of Rs. 10 or 15 lakhs. The party felt that he would not get justice from the Judge as his son was engaged by the other side in the High Court in another matter. What did he do? He came out with a petition for the transfer of his case. The District Judge said that there was no provision in the Civil Procedure Code for the automatic transfer of the case, and yet, as the party wanted the transfer of his case to some other court, he allowed his petition. When things are done in that manner, and when we are dealing with the affairs of two States, I submit, Sir, that we should be cautious and fair to each other and refer our matters to a Commission. Why should we think there will be bitterness before a Commission? It is here that there will be bitterness if we proceed in this manner. And how can we decide these things here? The Government are the framers of this clause, they are the claimants, and they are the judges. It is up to me to say that this Government are doing all these things because they are in the majority? Why should this Government give me that opportunity to say so? Let me assume that the case of this Government is strong. Let them put their case before the Commission, and let the Commission give them the award. Having put our cases before the Commission, we shall certainly abide by the award of the Commission. Let not the Government think that my motion is a dilatory one. The motion is meant for securing justice. There may be future occasions for separation of States. The Karnataka State may be formed and the Kerala State also may be formed. The difficulties that we now feel will crop up then also. I submit these are considerations which I have been able to place before this House and the Government. If by what I have said I have not convinced my friends of the necessity of placing all matters before a neutral Expert Commission, I do not think I can convince them by any further arguments. I shall only leave things to their good sense, fair play and sense of justice, in the interests of peace, harmony and mutual progress."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, it is not as if we are going to sit in judgment over our own case. These provisions have been framed by the Government of India and have

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been sent to us in the form of a Bill for the expression of our opinion. Of course, formally we have to take a vote and find out what is the decision of this House. The opinions expressed here would be taken into consideration by Parliament. Parliament is the final judge. Therefore, there is no question of compulsion on the minority by the majority. We have formally to take a decision. All the relevant points will be taken into consideration by Parliament. If Mr. Viswanatham's case is strong with reference to the Finance Commission, then, Parliament, as the supreme body, will take that into consideration. If Parliament should decide that all matters relating to assets and liabilities should go before a Finance Commission, we are not going to stand against that decision. Let him not accuse us saying that the majority are suppressing the minority. We are not an oppressive majority. We are entitled to express our opinion. The hon. Member Mr. Viswanatham is also entitled to express his opinion. There is no question of oppression. The final authority for all this is Parliament."

MR. SPEAKER :—" I now put the amendment (No. 114) of Mr. Viswanatham to the vote of the House. The question is—

' This House recommends the deletion of clause 46 and the insertion of a new clause in its place, providing for the apportionment of the assets and liabilities dealt with in the Seventh Schedule, as also of the current revenues and expenditure, between the States affected by this Act, by an order of the President, on the recommendation of a neutral Commission of Experts, presided over by a Judge of the Supreme Court.' "

12-40 P.M. The amendment was put and declared lost. A poll was demanded and the House divided thus—

Ayes—144.

Sri K. Adikesavalu Naidu.
 „ G. Anjaneyalu.
 „ S. C. C. Anthony Pillai.
 „ K. Appala Naidu.
 „ Bojja Appa'swami.
 „ Appa Rao Bahadur, Raja Meka Rangayya.
 „ T. S. Ardhanari.
 „ T. C. Atchannaidu.
 „ Y. Audinarayana Reddi.
 „ K. Balanarayana Reddi.
 „ M. Bapaiah Chowdary.
 „ G. Bapanayya.
 „ P. Bapu Naidu.
 „ Chandra Ramalingaiah.
 „ N. Chenchurama Naidu.
 „ V. Chidanandam.
 „ P. Chinnama Reddi.
 „ V. C. Chudamani Deo.
 „ D. Dasaratharamaiah Naidu.
 „ M. Doraikannu.
 „ P. V. R. (Raja of Vizianagaram)
 „ Gajapathi Raju.
 „ M. Gangappa.
 „ Vavilala Gopalakrishnaiah.
 „ P. K. Gopalakrishnan.
 „ K. C. Gopalan Unni.
 „ K. Govinda Rao.

Sri P. Gunnayya.
 „ M. Hanumantha Rao.
 „ G. Joseph.
 „ M. Kalyanasundaram.
 „ S. Kasireddy.
 „ G. C. Kondayya.
 „ O. Koran.
 „ P. Kotaiah.
 „ K. Koti Reddi.
 Srimathi Thamma Kotamma Reddi.
 Sri V. R. Krishna Ayyar.
 „ Raja V. V. Krishnam Raju Bahadur.
 „ B. Krishnamurty Rao.
 „ R. Krishnan.
 „ K. Krishna Rao.
 „ M. Kune Rao.
 „ E. T. Kunhan.
 „ C. Kunhirama Kurup.
 „ Lakshmana Narayana Reddi.
 „ M. Lakshmanaswamy.
 „ D. Lakshmayya.
 „ R. Tekkali Dora Lakshmi Narasimham.
 „ B. Lakshminarasa Raju.
 „ V. Madanagopal.
 „ K. Madhavan Nambiar.
 „ K. Malakondayya.
 „ T. Mallayya.

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Ages—144—cont.

Sri K. B. Menon.
 „ Ch. S. R. V. P. Murthy Raju.
 „ G. Nagabhushanam.
 „ G. Nageswara Rao.
 „ T. Nagi Reddi.
 „ K. R. Nallasivam.
 „ N. V. L. Narasimha Rao.
 „ P. Narasimha Reddi.
 „ M. Narayana Kurup.
 „ M. Narayana Nambiar.
 „ T. C. Narayana Nambiar.
 „ S. Narayanappa.
 „ M. Narayanaswamy.
 „ S. Packirisami Pillay.
 „ K. V. S. Padmanabha Raju.
 „ S. Paramasivappa.
 „ T. Potha Raju.
 „ C. Prabhakara Choudary.
 „ T. Prakasam.
 „ C. Pulla Reddi.
 „ P. Pundarikakshacharyulu.
 „ K. Rajagopala Rao.
 „ K. T. Raju.
 „ N. Ramabhadra Raju.
 „ P. S. Ramachandra Rao.
 „ B. Ramakrishna Reddi.
 „ S. Ramalingam.
 „ H. Ramalinga Reddi.
 „ P. Ramamurthi.
 „ G. Rama Rao.
 „ N. V. Rama Rao.
 „ P. Rama Rao.
 „ V. Rama Rao.
 „ K. V. Ramasamy.
 „ K. V. Ramesam.
 „ A. Rami Reddi.
 „ K. Ramiah.
 „ K. Ramiah Choudary.
 „ K. Ranga Rao.
 „ P. Ranga Reddi.
 „ P. Sangam Naidu.
 „ B. Sankarayya.
 „ K. Santhappa.
 „ G. Satyanarayana.
 „ H. Satyanarayana Dora.
 „ P. Satyanarayana Reddi.

Sri D. Seetharamiah.
 „ R. Siddanna Gowd.
 „ N. Sivaram.
 „ N. Sivarami Reddi.
 „ G. Sivasankara Reddi.
 „ K. T. Sridharan.
 „ V. Sri Krishna.
 „ M. Srungaram.
 „ K. Subba Reddi.
 „ M. Subba Reddi.
 „ C. Subbarayudu.
 „ A. K. Subbiah.
 „ R. B. V. Sudarsana Varma.
 „ P. Suryachandra Rao.
 „ K. Suryanarayana.
 „ Raja Sagi Suryanarayana Raju.
 „ G. Suryanarayana.
 „ P. Syamasundarara Rao.
 „ P. Thimma Reddi.
 „ S. Vadivelu.
 „ K. Varadhachari.
 „ M. Veerabhadram.
 „ K. Veeranna Padal.
 „ K. V. Vema Reddy.
 „ S. Vemiah.
 „ K. Venkaiah.
 „ C. Venkatakrishna Rao.
 „ R. Venkata Jagga Rao.
 „ K. Venkata Kurmi Nayudu.
 „ Alluri Venkataramaraju.
 „ Saka Venkata Rao.
 „ K. Venkata Setty.
 „ P. Venkatasiviah.
 „ M. Venkatasubba Reddi.
 „ T. N. Venkatasubba Reddi.
 „ P. Venkatasubbayya.
 „ A. Venkatasubramaniam.
 „ N. Venkatayya.
 „ P. Venkatesha Sholazar.
 „ Pillalamarri Venkateswarlu.
 „ K. Venkatanarayana Dora.
 „ A. Venkataraniiah.
 „ P. Venkataswami Reddi.
 „ Tenneti Viswanatham.
 „ G. Yellamanda Reddi.

Noes—134.

Sri L. Anandan.
 „ T. Anantha Pai.
 „ K. Aranganathan.
 „ Arhanareswara Goundar.
 „ R. S. Arumugam.
 „ S. Arumugam.
 „ S. R. Arumugam.
 „ V. Arumugam.
 „ A. Ayyaru.
 „ V. Balakrishnan.
 „ B. Bhakthavatsalu Naidu.
 „ K. H. Bomman.
 „ M. Chadavan.
 „ P. Chellathurai.
 „ O. Chengam Pillay.
 „ S. Chinnakaruppa Thevar.
 „ C. Chinnasani Naidu.
 „ Chinnathambi Thevar.
 „ V. Chinnayya.
 „ AR. A. RM. Chokkalingam Chettiar.
 „ V. Daramalinga Nayakar.

Sri D. Dasarathan.
 „ M. Dharmalingam.
 „ W. J. Fernandez.
 „ T. Ganapathy.
 „ V. Gopala Goundar.
 „ N. Gopala Menon.
 „ G. Govindan.
 „ A. Govindasamy Nayagar.
 „ V. Govindaswamy Naidu.
 „ A. K. Hanumantharaya Gounder.
 „ K. Ishwara.
 „ H. M. Jagannatham.
 „ M. Jagannatham.
 „ T. M. Kaliannan.
 „ P. Kandasamy Gounder.
 „ M. Kandasamy Padayachi.
 „ P. G. Karuthiruman.
 „ Kattimuthu.
 „ Kempai Gounder.
 „ K. T. Kosalram.
 „ D. Krishnamurthy Gounder.
 The Hon. Sri Dr. U. Krishna Rao.

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Noes—134—cont.

Sri P. S. Krishnasamy Ayyangar.
 „ V. Krishnasamy Padayachi.
 „ R. Krishnaswami Naidu.
 „ Kunhi Muhamed Shafee.
 „ R. Kuppuswami.
 The Hon. Sri K. P. Kuttikrishnan Nair.
 Sri C. Lakshmana Kandar.
 „ K. S. Lakshmiopathy Naicker.
 „ N. Mahalingam.
 The Hon. Sri M. A. Manickavelu Naicker.
 Sri P. G. Manickam.
 „ Y. Manjaya Shetty.
 „ M. Marimuthu.
 „ A. K. Masilamani Chettiar.
 „ M. S. Mogral.
 „ Mahamed Salih Maraikayar.
 „ N. Mounaguruswamy Naidu.
 „ M. S. Munisami Pillai.
 „ K. G. Munuswamy Gounder.
 „ P. M. Munuswamy Gounder.
 Raja M. A. Muthiah Chettiar.
 Sri C. Muthiah Pillai.
 „ V. Muthu.
 „ Muthukumaraswamy.
 „ T. D. Muthukumaraswamy Naidu.
 „ A. Muthuswami.
 The Hon. Dr. R. Nagan Gowda.
 Sri V. R. Nagarajan.
 „ P. S. Nalla Gounder.
 „ B. K. Nallasamy.
 „ O. A. Nanjappa.
 „ Palanimuthu.
 The Hon. Sri V. C. Palanisami Gounder.
 Sri V. K. Palanisami Gounder.
 „ S. Panchaksharam.
 „ N. Paramasivam.
 „ B. Parameswaran.
 „ K. Parthasarathy.
 „ M. P. Periasami.
 „ P. R. Rajagopala Gounder.
 „ C. Rajam Ramasami.
 „ K. Rajaram.
 „ T. K. Rama.
 „ M. R. Ramachandran.
 „ A. Ramachandra Reddiar.
 „ N. Ramakrishna Ayyar.

Sri V. K. Ramaswamy Mudaliar.
 „ S. Ramasamy Naidu.
 „ S. S. Ramasamy Padayachi.
 „ P. S. Ramasamy Naidu.
 „ R. Rangasamy Gounder.
 „ N. Rathina Gounder.
 „ A. Rathinam.
 „ P. Rathinaswami Pillai.
 „ A. M. Sambandam.
 „ A. Sambasivam.
 „ G. Samia Koorayar.
 „ E. K. Sankara Varma Raja.
 „ T. V. Sannasi.
 „ P. Selvaraj.
 „ A. Senapathy Gounder.
 The Hon. Raja Sri (Raja of Ramnad) Shanmuga Rajeswara Sethupathi.
 Sri K. Shanmugham.
 „ T. Shanmugam.
 The Hon. Sri A. B. Shetty.
 Sri Ijari Sirasappa.
 „ P. Sivaprasadam.
 „ Somasundara Gounder.
 Srimathi Dr. T. S. Soundaram Ramachandran.
 Sri A. S. Subbaraj.
 The Hon. Sri C. Subramaniam.
 Sri I. K. Subramania Pillay.
 „ R. V. Swaminathan.
 „ S. Swayamprakasam.
 „ R. Thangavelu.
 „ P. Thangavelu.
 „ Thimkaramasi Thevar.
 „ P. Urkavalan.
 „ G. Vageeram Pillay.
 „ Vaikuntam.
 „ T. R. Varadan.
 „ Dr. P. Varadarajulu Naidu.
 Sri A. Veloo.
 „ O. Venkatasubba Reddi.
 „ S. Venkatarama Ayyar.
 „ K. Venkatrama Gowda.
 The Hon. Sri K. Venkatasamy Naidu.
 Sri M. Venugopala Gounder.
 „ K. Vinayakam.
 „ S. C. Virupakshayya.
 „ K. R. Viswanathan.

Ayes—144; Noes—134.

The amendment was carried.

SRI C. V. K. RAO:—“ Sir, does not the result of this voting show no-confidence in the Government? ”

MR. SPEAKER:—“ It is a question of Telugus versus Tamils. ”

SRI T. C. NARAYANA NAMBIAR:—“ It was not a Tamilian question, Sir. ”

SRI P. RAMAMURTHI:—“ It has nothing to do with the Government. It is purely a question of adjustment of assets and liabilities. ”

MR. SPEAKER:—“ Yes. I think I need not put all the other resolutions to the vote of the House. ”

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All the other amendments except the amendment of Sri T. Nagi Reddi (No. 126) were, by leave, withdrawn.

MR. SPEAKER :—" To-day being Friday, the House will rise at 1 o'clock. This Bill has been before the House for a long time. We are not able to finish it. So, shall we have night sittings, from 8 p.m.?"

THE HON. SRI C. SUBRAMANIAM :—" The House having given a verdict on amendment No. 114, should we consider the Seventh Schedule at all?"

MR. SPEAKER :—" What does Mr. Hanumantha Rao say?"

SRI M. HANUMANTHA RAO :—" Now amendment No. 114 has been passed. We shall consider what attitude to take with regard to the Seventh Schedule. So, we may discuss the matter to-morrow."

MR. SPEAKER :—" A general principle has been arrived at."

SRI T. NAGI REDDI :—" If we are sure of this amendment being incorporated in the Bill and acted upon, we need not discuss the Seventh Schedule. All the same we have passed it. Let us have time to think over the matter."

MR. SPEAKER :—" All right. We shall take it up to-morrow. The House will now adjourn and meet again at 8-30 a.m. to-morrow."

The House then adjourned.

VI.—PAPERS LAID ON THE TABLE OF THE HOUSE.

Amendments to the Madras Motor Vehicles Taxation Act, 1931.
[Laid on the table under section 11 (2) of the Madras Motor Vehicles Taxation Act, 1931.]

- (1) G.O. No. 1859, Home, dated 6th June 1953.
- (2) G.O. No. 1943, Home, dated 15th June 1953.
- (3) G.O. No. 1967, Home, dated 18th June 1953.